



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004**

SUMMARY REPORT

**GOLD KING MINE INCIDENT (ANIMAS RIVER)
OI-HQ-2015-CFR-0108**

**OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS**

CASE NO.: OI-HQ-2015-CFR-0108

DATE OPENED: August 13, 2015

CASE TITLE: GOLD KING MINE INCIDENT
(ANIMAS RIVER)

CASE AGENT: (b) (6), (b) (7)(C)

CASE CATEGORY: Employee Integrity

OFFICE: San Francisco Field Office
Denver, Colorado

JOINT AGENCIES: None

JURISDICTION: District of
Colorado

Introduction

The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigations (OI) conducted an investigation related to the August 5, 2015 release of mine water at the Gold King Mine (GKM) in response to the following:

1. In an August 12, 2015, letter to Inspector General Arthur A. Elkins Jr., Representatives of the Committee on Oversight and Government Reform, House of Representatives, Congress of the United States, requested the EPA OIG to conduct an independent investigation of the August 5, 2015 release of approximately three million gallons of mine water from the GKM in Silverton, Colorado.
2. In a September 2, 2015, letter to the OIG, (b) (6), (b) (7)(C), Colorado Department of Natural Resources (DNR), identified seven assertions alleged to be factually inaccurate that were made in a report issued by (b) (6), (b) (7)(C) regarding DNR's roles and responsibilities with respect to the release of mine water from the GKM on August 5, 2015.

3. In a September 18, 2015, letter to the OIG, Mark Brnovich, Attorney General (AG) for the state of Arizona, requested the EPA OIG to review the timeliness and methods of notification made to affected downstream stakeholders of the GKM following the release.

Upon receipt of the letters referenced above, the EPA OIG OI conducted an investigation and produced three Reports of Investigation (ROI). This document is a summary designed to give an overview of the OI investigative efforts related to the GKM; it does not contain details of the specific allegations investigated.

Background

On August 5, 2015, representatives from the EPA and its contractors Environmental Restoration, LLC (Emergency and Rapid Response Services) and Weston Solutions, Inc. (Superfund Technical Assessment & Response Team) were conducting work at the GKM to assess the on-going water release from the mine, treat mine water, and assess the feasibility of further mine remediation. While excavating above the adit (an almost horizontal passage leading into a mine for the purposes of access or drainage), water began leaking, ultimately leading to the uncontrolled release of approximately three million gallons of mine water from behind the adit blockage into Cement Creek, a tributary of the Animas River.

On August 4, 2015, excavation was conducted in the area leading up to and alongside the GKM adit to remove consolidated soil and debris. The excavation goal was to expose, but not remove, the adit blockage. During this excavation, the adit blockage and mine timbers were exposed.

On August 5, 2015, excavation resumed above the previously exposed GKM adit blockage. During this excavation: (a) the ramp built to excavate above the GKM adit blockage made contact with the blockage, (b) the excavated soil from above the adit "buried" the adit blockage, (c) a large rock fell down and away from the unexcavated soil, and (d) water began to spurt out at or just slightly above the GKM adit brow. It took approximately 3-4 minutes for the spurt to grow into a flow of discolored water, and then took approximately 1 hour before the peak flow subsided.

Synopsis

The three ROIs, reporting specific allegations and investigative results, are as follows:

1. As a result of the letter dated August 12, 2015, from the House Oversight and Government Reform Committee, Inspector General Elkins requested OI to determine whether any EPA employees or contractors engaged in criminal or administrative misconduct in connection with the GKM incident (b) (6), (b) (7)(C)

The United States Attorney's Office (USAO) for the District of Colorado declined criminal prosecution (b) (6), (b) (7)(C) for potential violations of 18 U.S.C. § 1001 (False Statements) and 33 U.S.C. § § 1311 and 1319 (Direct Discharge to Waters of the United States.) This ROI is being submitted to EPA senior management

for review and for EPA to take whatever administrative actions deemed appropriate regarding (b) (6), (b) (7)(C) potential administrative misconduct.

2. As a result of the letter dated September 2, 2015, from the Colorado DNR, OI conducted an investigation to determine whether any (b) (6), (b) (7)(C) engaged in misconduct by falsifying information in the report issued by (b) (6), (b) (7)(C) a potential violation of 18 U.S.C. § 1001 (False Statements). OI uncovered no evidence that (b) (6), (b) (7)(C) engaged in misconduct. This ROI is being issued to EPA senior management for any corrective action deemed appropriate.
3. As a result of the letter dated September 18, 2015, from the Arizona AG, OI conducted an investigation to determine whether there was a delay in reporting the mine water release from the GKM to affected downstream stakeholders a potential violation of 42 U.S.C. § 9603(a) (Notification Requirements Respecting Released Substances). OI uncovered no evidence that any of the EPA employees involved in the reporting of the mine water release from the GKM to affected downstream stakeholders engaged in misconduct regarding said reporting; rather, OI found that the reporting was done in accordance with proper spill notification procedures. This ROI is being submitted to EPA senior management for informational purposes only.

In an effort to gather all available information concerning possible criminal and administrative misconduct connected to the GKM incident, OI Special Agents interviewed (b) (6), (b) (7)(C). In addition, OI special agents reviewed hundreds of emails and documents.

The USAO for the District of Colorado was consulted during all stages of the investigation.

During the course of this investigation, OI also investigated under a separate investigative cover a potential threat allegation made against a federal employee tasked with assisting in the response to the mine water release. The USAO for the District of Arizona was consulted on this matter and declined prosecution, and the investigation was subsequently closed.

Possible criminal violations:

18 U.S.C. § 1001: False Statements

33 U.S.C. § § 1311 & 1319: Direct Discharge to Waters of the United States

42 U.S.C. § 9603(a): Notification Requirements Respecting Released Substances



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004

March 29, 2017

MEMORANDUM

SUBJECT: Gold King Mine Incident (Animas River/ (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

FROM: Patrick Sullivan *Patrick Sullivan*
Assistant Inspector General
Office of Investigations

TO: Mike Flynn
Acting Deputy Administrator
United States Environmental Protection Agency

Attached is a copy of our Report of Investigation (ROI) on the above-captioned subject. The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigations (OI) conducted an investigation related to the August 5, 2015 release of mine water at the Gold King Mine (GKM) in response to an August 12, 2015, letter to Inspector General Arthur A. Elkins Jr., from Representatives of the Committee on Oversight and Government Reform, House of Representatives, Congress of the United States. As a result of this letter, Inspector General Elkins requested OI to determine whether any EPA employees or contractors engaged in criminal or administrative misconduct in connection with the GKM incident in possible violation of :

18 U.S.C. § 1001 (False Statements)

33 U.S.C. § § 1311 and 1319 (Direct Discharge to Waters of the United States)

The investigation supported that the activities (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

The investigation was inconclusive as to whether the excavation (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) causing approximately three million gallons of mine water to be released from the GKM.

In addition, during the course of the investigation, an additional allegation was developed concerning the information provided to EPA OIG OI Special Agents by (b)(6), (b)(7)(C). The investigation supported that (b)(6), (b)(7)(C) provided inconsistent information over the course of (b)(6), (b)(7)(C).

interviews with Special Agents from the EPA OIG OI, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The facts and circumstances surrounding (b)(6), (b) (7)(C) providing potentially false statements and violating the Clean Water Act were provided to acting United States Attorney Robert Troyer, United States Attorney's Office, District of Colorado, Denver, Colorado; as well as Assistant United States Attorneys Matt Kirsch and Suneeta Hazra. Acting United States Attorney Troyer

(b) (6), (b) (7)(C), (b) (5)

office declined prosecution in this matter.

This ROI is being submitted to EPA senior management for review and for EPA to take whatever administrative actions deemed appropriate regarding (b)(6), (b)(7) potential administrative misconduct.

In considering administrative action, your attention is directed to the EPA Conduct and Discipline Manual, EPA Order 3120.1, which prescribes policies for administering disciplinary action within the agency. The manual contains a list of offenses with suggested penalties, although the list is not intended to be all inclusive. For offenses not included, penalties may be imposed consistent with penalties contained in the manual for offenses of comparable gravity.

The information on the Conduct and Discipline Manual is provided to assist you in determining what action, if any, is warranted; however, it does not constitute a "charge" against (b)(6), (b) (7)(C). It is the responsibility of the action official alone to evaluate the information contained in the report and decide whether action under any part of the Conduct and Discipline Manual is appropriate.

It is recommended that you contact the Regional Human Resources Office for any necessary guidance about personnel regulations.

In order that we may satisfy our reporting requirement to Congress and the Administrator, please advise this office within 30 days of any administrative action taken or proposed by you in this matter. This report is "For Official Use Only" and its disclosure to unauthorized individuals is prohibited. Portions of it may be used by appropriate officials for administrative action. Please return our report after your review of this matter is completed.

Should you have any questions, particularly regarding the investigative report, please free to call

(b) (6), (b) (7)(C)

Attachment: Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS
1301 CONSTITUTION AVENUE, NW
WASHINGTON, DC 20004

REPORT OF INVESTIGATION CONCERNING

GOLD KING MINE INCIDENT (ANIMAS RIVER (b)(6), (b)(7)(C))

(b)(6), (b)(7)(C)

OI-HQ-2015-CFR-0108

TABLE OF CONTENTS

Narrative
Entities and Individuals
Prosecutive Status
Exhibits

Section A
Section B
Section C

Distribution:

Mike Flynn
Acting Deputy Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004
With Attachments

(b) (6), (b) (7)(C)

Office of Investigations

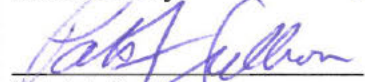
Approved by:

(b) (6), (b) (7)(C)

Office of Investigations

Wendy Blake
Associate General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20004
Informational Purposes Only
No Attachments

Reviewed by:


Patrick Sullivan
Assistant Inspector General
Office of Investigations

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

CASE NO.: OI-HQ-2015-CFR-0108

DATE OPENED: August 13, 2015

CASE TITLE: GOLD KING MINE INCIDENT
(ANIMAS RIVER (b) (6), (b) (7)(C))

CASE AGENT: (b) (6), (b) (7)(C)

CASE CATEGORY: Employee Integrity

OFFICE: San Francisco Field Office
Denver, Colorado

JOINT AGENCIES: None

JURISDICTION: District of
Colorado

SECTION A - NARRATIVE

Introduction

The United States Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigations (OI) conducted an investigation related to the August 5, 2015, release of mine water at the Gold King Mine (GKM). The investigation was in response to an August 12, 2015, letter to EPA Inspector General Arthur Elkins Jr. from Representatives of the Committee on Oversight and Government Reform, House of Representatives, Congress of the United States. The committee requested the EPA OIG to conduct an independent investigation of the August 5, 2015, release of approximately three million gallons of mine water from the GKM in Silverton, Colorado. (Exhibit 1)

Synopsis

During the course of this investigation, interviews of EPA personnel, EPA contractors and representatives from the Colorado Division of Natural Resources (DNR) were conducted. A review of documentation related to the GKM site pre- and post-August 5, 2015, activities were also conducted.

(b) (6), (b) (7)(C)

The investigation was inconclusive as to whether the excavation (b) (6), (b) (7)(C), causing approximately three million gallons of mine water to be released from the GKM.

In addition, during the course of the investigation, an additional allegation was developed concerning the information provided to EPA OIG OI Special Agents (b) (6), (b) (7)(C). The investigation supported that (b) (6), (b) (7)(C) provided inconsistent information over the course of (b) (7)(E) interviews with Special Agents from the EPA OIG OI. (b) (6), (b) (7)(C)

Possible violations:

18 U.S.C. § 1001: False Statements

33 U.S.C. § § 1311 & 1319: Direct Discharge to Waters of the United States

Background

On August 5, 2015, representatives from the EPA and its contractors Environmental Restoration, LLC (Emergency and Rapid Response Services [ERRS]) and Weston Solutions, Inc. (Superfund Technical Assessment & Response Team) were conducting an investigation of the GKM to assess the on-going water release from the mine, treat mine water, and assess the feasibility of further mine remediation. On August 5, 2015, after excavation above the adit (an almost horizontal passage leading into a mine for the purposes of access or drainage) was complete, a spurt of water was noticed originating from the bedrock at or near the top of the adit, ultimately leading to the uncontrolled release of approximately three million gallons of mine water from behind the adit blockage into Cement Creek, a tributary of the Animas River a Traditional Navigable Water of the United States.

According to the EPA Team's Summary Report (Report), the GKM began operations sometime in the 1880s and continued until the 1900s, when it was closed. Mining had occurred at the GKM at seven different elevations through three adits: Level 7, Number 1 and the Sampson. The American Tunnel was constructed in the early mid-1900s below the GKM, as well as the Red & Bonita Mine (RBM.) Until its closure, the American Tunnel had effectively drained the GKM and the RBM. (Exhibit 2)

In 1986, Colorado issued a permit authorizing work at the GKM historic interconnected adits. A new adit was driven at the GKM to bypass a collapse in the original GKM Level 7 adit. This adit was the site of the August 5, 2015, release.

The Report indicated that sometime in 2005, following the 2002 closure of the American Tunnel, the RBM began discharging mine water at an approximate rate of 300 gallons per minute (gpm), and the GKM adit saw an increase in flow rate from approximately 42 gpm in July 2005 to 135 gpm in September 2005. In October 2006, the mine water flow rate at the GKM adit had increased to 314 gpm. In 2007, mine water at the GKM Level 7 adit breached the discharge ditch, resulting in conditions that led to a slope failure that ultimately filled the North Fork of Cement Creek with mine waste.

In 2008, the Colorado Division of Reclamation Mining & Safety (DRMS) a division within DNR constructed a discharge diversion structure to prevent future mine water saturation at the GKM Level 7 adit. In 2009, DRMS developed a plan that called for:

- 1) all four GKM adits to be backfilled; and
- 2) a pipe to be installed to divert the discharge.

Between 2009 and 2011, the GKM Level 7 mine saw a decrease in average flow rates from approximately 200 gpm to 140 gpm.

In 2014, the EPA planned to expose the GKM adit and was working with DRMS and the Animas River Stakeholder Group (ARSG) to identify actions that might be needed to reduce contaminant loading at Cement Creek and downstream waters. On September 11, 2014, prior to the beginning of site work, the flow rate was reportedly less than 13 gpm. Excavation work in 2014 discovered pipes in the adit tunnel blockage and additional pipes were installed into the same blockage, which were used to capture ongoing mine water drainage. This 2014 excavation work was suspended after the adit was backfilled and compacted with additional loads of crushed rock to maintain a stable surface at the adit for potential future work.

In 2015, the EPA resumed its plan to reopen the GKM adit. In January and May 2015, the ARSG held public meetings at which the EPA and DRMS presented their plans for work to be completed at the RBM. Because the RBM and GKM were interconnected, once the bulkhead at the RBM was installed, the process to open the GKM was to commence. According to information provided by DRMS, approximately three million gallons of mine runoff was released continuously through the discharge pipe from the GKM every 10 days prior to the August 5, 2015, blowout.

On August 4, 2015, excavation began in the area leading up to and alongside the GKM adit to remove consolidated soil and debris. The excavation goal was to expose, but not remove, the adit blockage. During this excavation, the adit blockage and mine timbers were exposed.

On August 5, 2015, excavation resumed above the previously exposed GKM adit blockage. During this excavation: (a) the ramp built to excavate above the GKM adit blockage made contact with the blockage, (b) the excavated soil from above the adit “buried” the adit blockage, (c) a large rock fell down and away from the unexcavated soil, and (d) water began to spurt out at or just slightly above the GKM adit brow. It took approximately 3 - 4 minutes for the spurt to grow into a flow of discolored water. It then took approximately 1 hour before the peak flow subsided.

Details

Allegation 1 has two subparts as noted below, with the information surrounding both findings located in the narrative portion following subpart 1(b).

Allegation 1(a): (b) (6), (b) (7)(C)

Allegation 1(a) Findings: (b) (6), (b) (7)(C)

Allegation 1(b): The excavation that (b) (6), (b) (7)(C) causing approximately three million gallons of mine water to be released from the GKM.

Allegation 1(b) Findings: Inconclusive.

(b) (6), (b) (7)(C)

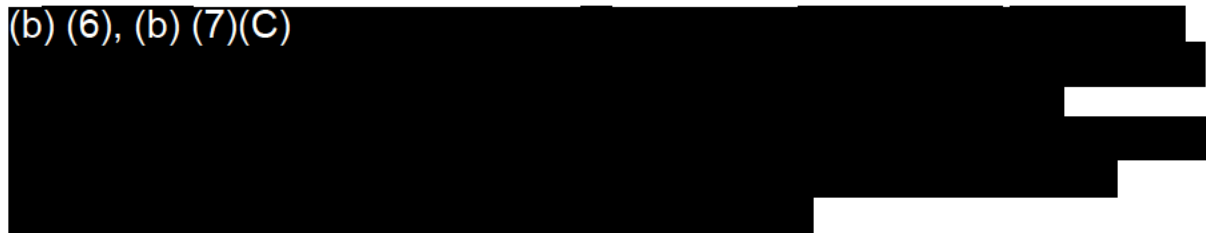
(b) (6), (b) (7)(C)

the work on the mine on August 4 and 5, 2015, was to prepare for an examination by the United States Department of the Interior's Bureau of Reclamation (BOR) on or about August 14, 2015, to assess whether a "stinger" pipe inserted into the adit might be the best solution for controlling an ongoing release of water from the GKM. According to information provided by DRMS, approximately three million gallon of mine runoff was released continuously through the discharge pipe from the GKM every 10 days prior to the August 5, 2015, blowout. This runoff flowed into the Cement Creek and into the Animas River.


(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

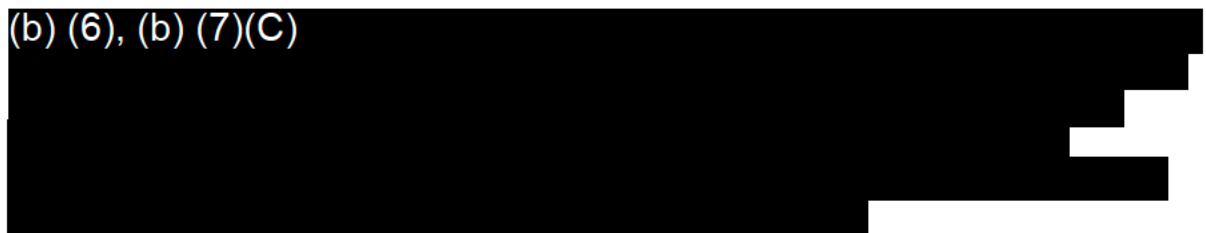
(b) (6), (b) (7)(C)

A large rectangular area of text is completely redacted with a solid black box.

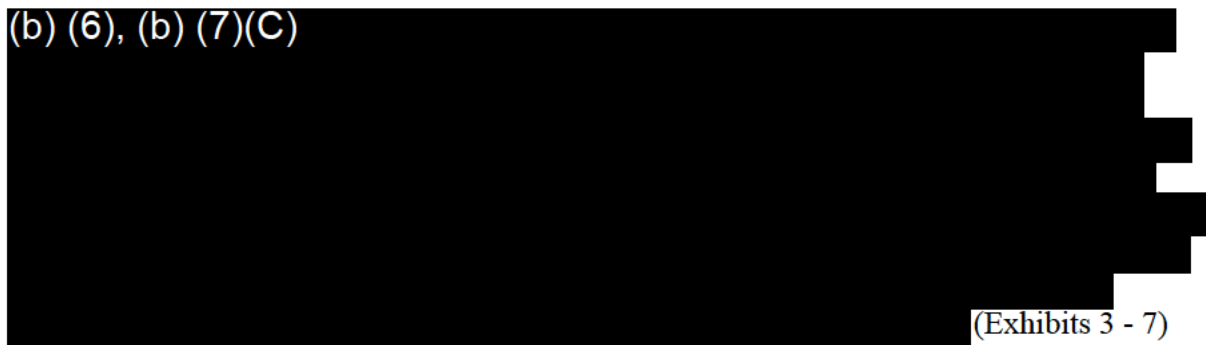
(b) (6), (b) (7)(C)

A large rectangular area of text is completely redacted with a solid black box.

(b) (6), (b) (7)(C)


A large rectangular area of text is completely redacted with a solid black box.

(b) (6), (b) (7)(C)

A large rectangular area of text is completely redacted with a solid black box.


(Exhibits 3 - 7)

(b) (6), (b) (7)(C)

A large rectangular area of text is completely redacted with a solid black box.

(Exhibits 8 - 11)


(b) (6), (b) (7)(C)

A large rectangular area of text is completely redacted with a solid black box.

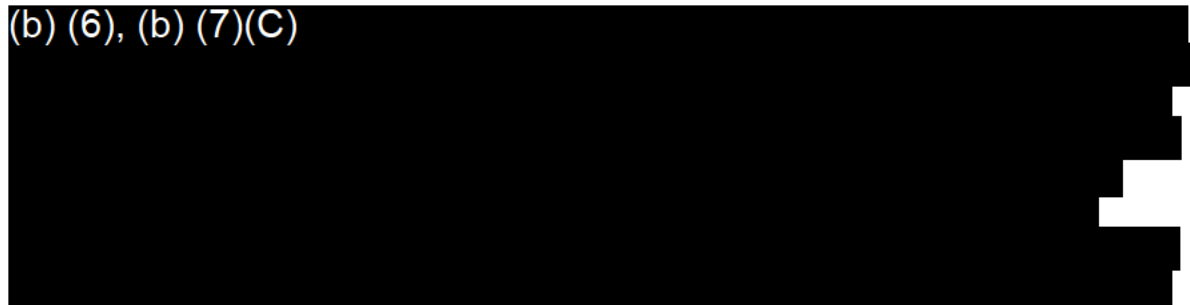
Environmental

Restoration, LLC, is an ERRS contractor for the EPA and is the primary contractor for EPA activities at the RBM and GKM sites. The plan was to remove some of the loose dirt/rock above the adit to “get an idea of what the rock conditions were.” Because so much of the rock was fractured, the search for “competent” rock was ongoing. Little by little, material was removed from above the adit, stopping intermittently to examine the area from where the material was removed. At some point during the excavation activities, someone noticed “a clear spring of water” coming out of an area “way above where anyone expected” water to be. Shortly after the water was noted, the discharge became discolored and the adit burst open, releasing a large quantity of water. (Exhibit 12)

(b) (6), (b) (7)(C)

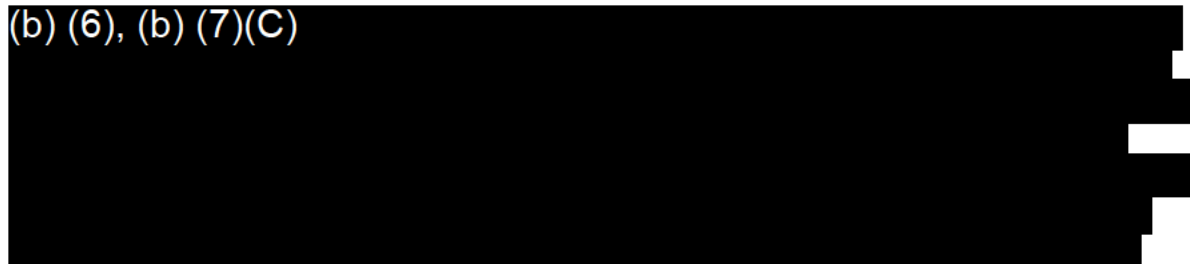


(b) (6), (b) (7)(C)




(Exhibit 13)

(b) (6), (b) (7)(C)



(Exhibit 14)

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

(Exhibit 15)

Allegation 2: (b) (6), (b) (7)(C) provided inconsistent information in (b) (6), (b) (7)(C) interviews with Special Agents from the EPA OIG OI (b) (6), (b) (7)(C)

Allegation 2 Findings: Supported.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Exhibits 3 – 7, & 16 - 17)

Disposition

This Report of Investigation is being issued to the acting EPA Deputy Administrator for review and any administrative actions deemed appropriate.

SECTION B – ENTITIES AND INDIVIDUALS

(b) (6), (b) (7)(C)

SECTION C – PROSECUTIVE STATUS

On November 4, 2016, the facts and circumstances surrounding (b) (6), (b) (7)(C) were provided to acting United States Attorney Robert Troyer, USAO, District of Colorado, Denver, Colorado; as well as Assistant United States Attorneys Matt Kirsch and Suneeta Hazra. Acting United States Attorney Troyer stated this investigation (b) (6), (b) (7)(C), (b) (5), (b) (7)(E) under 18 U.S.C. § 1001 and 33 U.S.C. § § 1311 & 1319. Further, (b) (6), (b) (7)(C), (b) (5), (b) (7)(E)

Therefore, his office declined prosecution in this matter.

EXHIBITS

DESCRIPTION	EXHIBIT
Congressional Request, dated August 12, 2015.	1
Summary Report, dated August 24, 2015.	2
Memorandum of Interview of (b) (6), (b) (7)(C) dated August 20, 2015.	3
Memorandum of Interview of (b) (6), (b) (7)(C) dated January 14, 2016.	4
Memorandum of Interview of (b) (6), (b) (7)(C), dated February 24, 2016.	5
Transcript of (b) (6), (b) (7)(C) February 24, 2016, interview.	6
Memorandum of Interview of (b) (6), (b) (7)(C) dated April 18, 2016.	7
Memorandum of Interview of (b) (6), (b) (7)(C) dated August 21, 2015.	8
Memorandum of Interview of (b) (6), (b) (7)(C) dated January 13, 2016.	9
Memorandum of Interview of (b) (6), (b) (7)(C) dated February 25, 2016.	10
Memorandum of Interview of (b) (6), (b) (7)(C) dated April 25, 2016.	11
Memorandum of Interview of (b) (6), (b) (7)(C), dated August 21, 2015.	12
Memorandum of Interview of (b) (6), (b) (7)(C) dated August 21, 2015.	13
Memorandum of Interview of (b) (6), (b) (7)(C), dated August 26, 2015.	14
Memorandum of Interview of (b) (6), (b) (7)(C) dated August 20, 2015.	15
Memorandum of Activity of (b) (6), (b) (7)(C) Rebuttal to BOR Report, dated November 11, 2015.	16
Bureau of Reclamation Report, dated October 2015.	17

Exhibit 1

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

August 12, 2015

The Honorable Arthur A. Elkins, Jr.
Inspector General
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Inspector General Elkins:

On August 5, 2015, the Environmental Protection Agency released mine waste from a site in San Juan County, Colorado, into the regional river system.¹ According to press reports, the spill was caused by EPA's operation of heavy equipment on the site.² The plume of mine waste, measuring as long as 80 miles at one point, has spread as far as the San Juan River in Utah, which forms the border between San Juan County and the Navajo Nation.³ Press reports identify contaminants in the plume include arsenic, lead, copper, aluminum, and cadmium.⁴

The Committee is reviewing how EPA has handled the incident. The Agency first indicated that one million gallons of waste were released into the water. Days later, EPA admitted that the amount of toxic water released was in fact three times higher than previously stated, actually amounting to three million gallons.⁵ There have been press reports of tribal and state officials in the affected regions experiencing difficulty in getting information from EPA in a timely fashion.⁶ One affected state environmental department official stated that EPA did not take proper action to alert residents to possible dangers nor did they notify the state directly of the incident.⁷

In light of the Committee's findings with respect to the EPA's internal management failures, we are concerned that the Agency is not well-positioned to conduct a competent internal review in this case. A series of embarrassing incidents, including the scam perpetrated by fake

¹ Gold King Mine Release Incident, U.S. Environmental Protection Agency, Region 8, *available at* http://epaosr.org/site/site_profile.aspx?site_id=11082.

² Jesse Paul and Bruce Finley, *Animas River Fouled By 1 Million Gallons Of Contaminated Mine Water*, THE DENVER POST, Aug. 6, 2015.

³ *Gold Mine's Toxic Plume Extends To Utah*, THE DAILY TIMES, Aug. 11, 2015, *available at* <http://www.usatoday.com/story/news/nation/2015/08/10/navajo-nation-epa-mine-wastewater-spill/31399517/>.

⁴ *Id.*

⁵ Steve Garrison and Joshua Kellogg, *EPA: Pollution From Mine Spill Much Worse Than Feared*, THE DAILY TIMES, Aug. 10, 2015, *available at* <http://www.usatoday.com/story/news/nation/2015/08/09/navajo-nation-epa-spill/31384515/>.

⁶ *Residents Demand Health Answers As Mine Spill Fouls Rivers*, N.Y. TIMES, Aug. 10, 2015.

⁷ Mariano Castillo, *Pollution Flowing Faster Than Facts In EPA Spill*, CNN, Aug. 10, 2015.

The Honorable Arthur A. Elkins, Jr.

August 12, 2015

Page 2

secret agent John Beale⁸ and the hiring of a serial sexual harasser in the Office of the Administrator, have demonstrated that EPA lacks the internal controls that are prerequisite for a reliable self-evaluation.⁹

An independent perspective is essential to investigating the cause of and response to this catastrophe. In the aftermath of the Deepwater Horizon oil spill in 2010, former EPA Administrator Lisa Jackson wrote, "[t]he public and the United States Government are entitled to nothing less than complete transparency in this matter."¹⁰ That standard also applies to the ongoing environmental disaster that has now touched several western states. The EPA should be held to the same benchmark that applies to those it regulates. Accordingly, we request that you investigate this incident and its ensuing management by EPA and provide recommendations to the Agency to ensure that any mistakes will not be repeated in the future.

If you have any questions about this request, please contact Bill McGrath or Ryan Hambleton of the Committee staff at (202) 225-5074. Thank you for your attention to this important matter.

Sincerely,



Jason Chaffetz
Chairman



Cynthia M. Lummis
Chairman
Subcommittee on the Interior



Ken Buck
Vice Chair
Subcommittee on the Interior

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Brenda Lawrence, Ranking Member
Subcommittee on the Interior

Enclosure

⁸ Robin Bravender, *Fake Spy Furor Exposed Hiring Flaws*, GREENWIRE, Aug. 5, 2015, available at <http://www.eenews.net/greenwire/2015/08/05/stories/1060023035>.

⁹ *EPA Mismanagement: Hearing Before the H. Comm. on Oversight and Gov't Reform* (Apr. 30, 2015).

¹⁰ Letter from The Honorable Janet Napolitano, Secretary, U.S. Department of Homeland Security and The Honorable Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency to Dr. Tony Hayward, Group Chief Executive, BP, May 20, 2010.

Exhibit 2

EPA Internal Review of August 5, 2015 Gold King Mine Blowout
available at

[https://www.epa.gov/sites/production/files/2015-08/documents/
new_epa_nmt_gold_king_internal_review_report_aug_24_2015
fnldated_redacted.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/new_epa_nmt_gold_king_internal_review_report_aug_24_2015_fnldated_redacted.pdf)

Exhibit 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	August 20, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Video Teleconference Call
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 20, 2015, (b) (6), (b) (7)(C) Office of Investigations, interviewed (b) (6), (b) (7)(C). The purpose of this interview was to obtain information about the release of water from the Gold King Mine (GKM) site, Silverton, CO. Prior to the interview, (b) (6), (b) (7)(C) was advised it was voluntary and (b) (6), (b) (7)(C) could terminate the interview at any time. Also present were (b) (6), (b) (7)(C).

After introductions were made and the purpose of the interview explained, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C)


(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

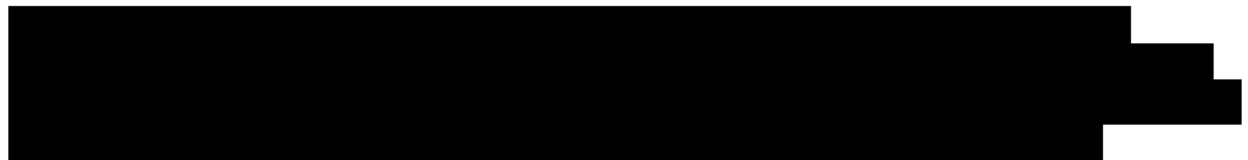
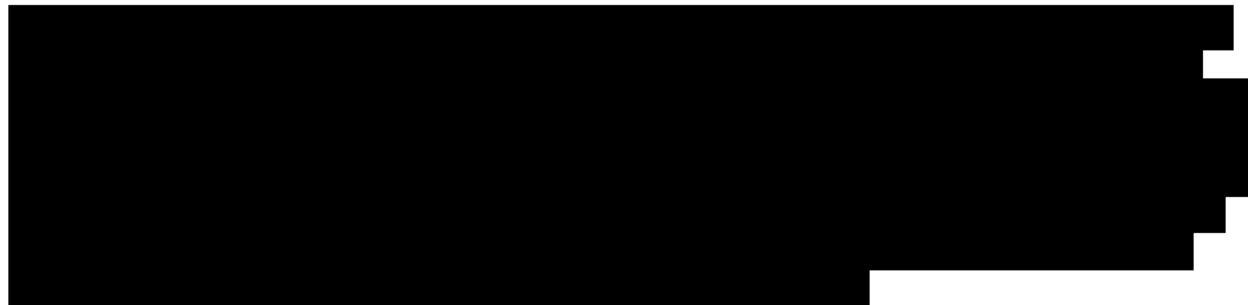
Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)



(b) (7)(C)



Attachment(s): None.

Exhibit 4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	January 14, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On January 14, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C). Joining (b) (6), was EPA employee and Union Representative (b) (6), (b) (7)(C)

Joining the Reporting Agent and providing investigative assistance during this interview were EPA, OIG employees (b) (6), (b) (7)(C), (b) (6), (b) (7)(C). Both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were assigned to the OIG's Land Cleanup and Waste Management Directorate, Office of Program Evaluation (OPE). Finally, joining the Reporting Agent, via telephonic conference call, were OIG employees (b) (6), (b) (7)(C)

Prior to the start of the interview the Reporting Agent made introductions and produced law enforcement credentials for (b) (6), (b) (7)(C) to inspect. (b) (6), (b) (7)(C) acknowledged (b) (6), (b) (7)(C) understanding for participating in the interview and the Reporting Agent's authority to conduct the interview. The purpose for this interview, which had been explained to (b) (6), (b) (7)(C) was to gather additional clarity regarding the August 4 and 5, 2015 events that (b) (6), (b) (7)(C) at the Gold King Mine (GKM) site located near Silverton, Colorado. The Reporting Agent added that a recent interview with

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

Colorado Department of Natural Resource (DNR) officials created some additional questions to

(b) (6), (b) (7)(C)

(b) (7)(C)

(b) (6), (b) (7)(C)

(b) (7)(C)

(b) (6), (b) (7)(C)

(b)

(b)(5), (b)(7)(C), (b)(7)(E)

(b) (7)(C)


(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

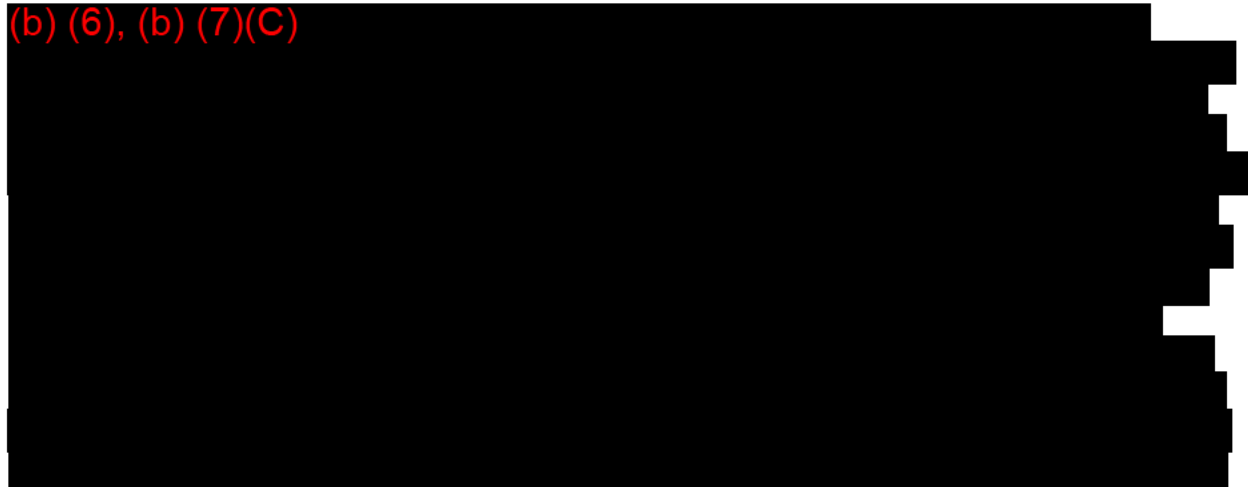
RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

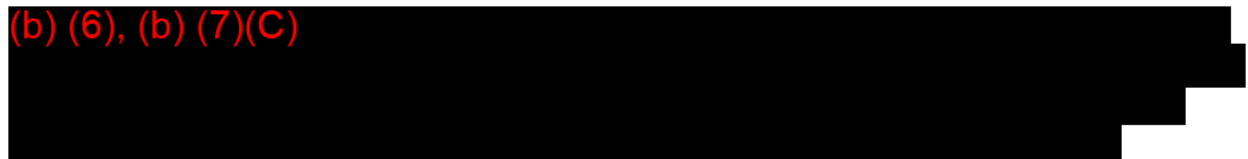


(b) (6), (b) (7)(C)




(b) (7)(C) (b)


(b) (6), (b) (7)(C)




(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



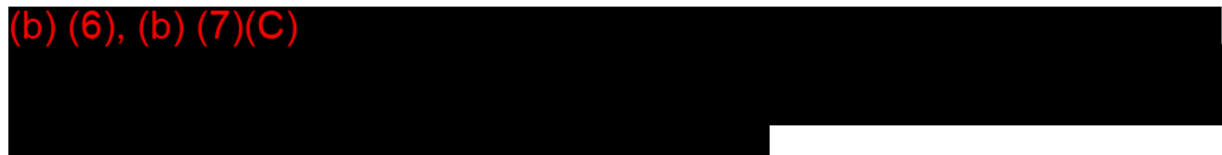
(b) (6), (b) (7)(C)




RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

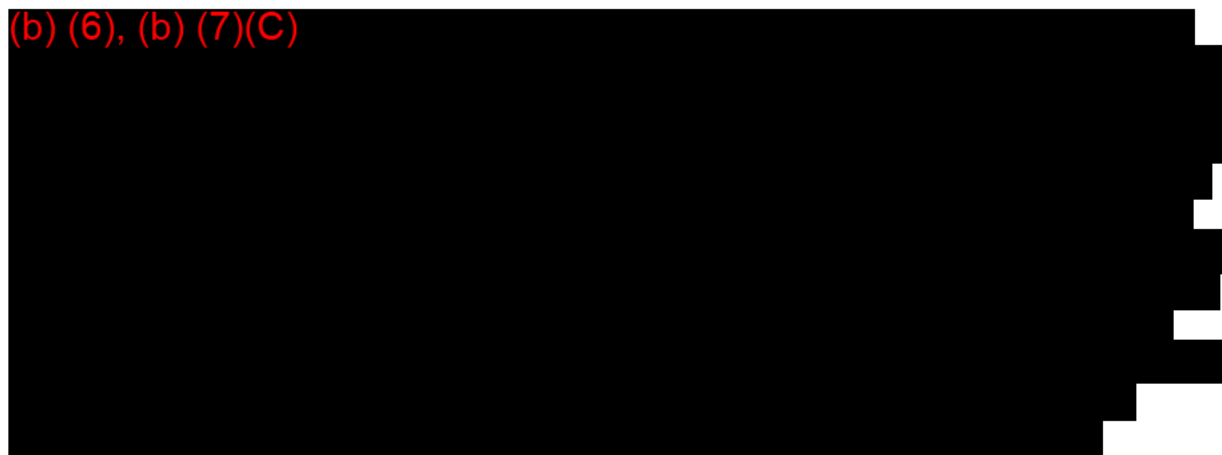
(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.


(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.


(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.A large rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.


(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.


RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.


(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.


(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.


(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.

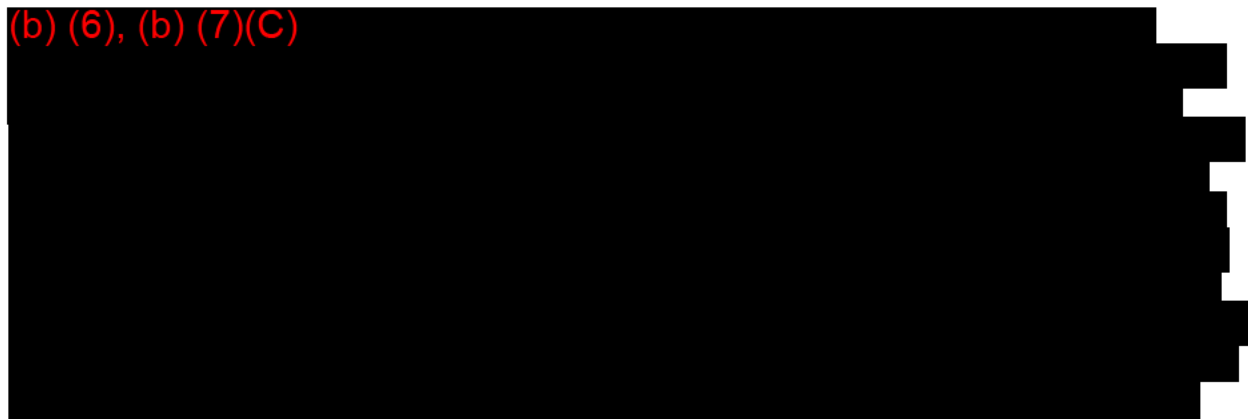
(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C)

(b) (7)(C)

(b) (7)(C)

(b) (6), (b) (7)(C)

The Reporting Agent completed (b) (6) interview. OIG, OPE officials then initiated their interview. Once OPE had completed their interview, the Reporting Agent terminated the OIG interview.

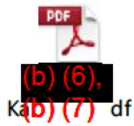
RESTRICTED INFORMATION

Page 6

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

Attachments:

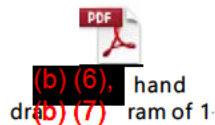
1. Administrative Warning, dated January 14, 2016.



2. OI Procedure 207, Section 4.2, Role of Union Representative.



3. Drawing produced by (b) (6), (b) (7)(C) dated January 14, 2016.



4. BOR Report photographs (b) (6), (b) (7)(C) used to better explain events at GKM.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

1200 SIXTH AVENUE, SUITE 900
SEATTLE, WA 98101

(b) (6), (b) (7)(C) ADMINISTRATIVE WARNING: DUTY TO COOPERATE

are going to be asked a number of specific questions concerning the performance of your official duties as an employee of the United States Environmental Protection Agency.

have a duty to reply to these questions. Agency disciplinary proceedings, including your dismissal, may be initiated if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence which is gained by reason of your statements can be used against you in criminal proceedings; except that you may be subject to criminal prosecution for any false oral or written answers made by you during the course of this interview.

are subject to disciplinary actions up to and including dismissal if you refuse to answer or fail to respond truthfully and fully to any questions, or give misleading information.

Acknowledgement

I have read the above warning or had it read to me, and I understand my rights. I have been advised of the nature of the inquiry and I am willing to discuss the subject(s) presented to me. No promises, threats, or coercion of any kind have been made against me. I know and understand what I am doing.

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION
KALKINES

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

Procedure Number: 207

Approval Date: 01/28/2014

Responsible Office: OI

Review Date: 01/28/2017

(b) (7)(E)



Procedure Number: 207

Approval Date: 01/28/2014

Responsible Office: OI

Review Date: 01/28/2017

(b) (7)(E)



16 pages of drawings/handwritten notes withheld in full under (b)(5), (b)(6) and (b)(7)(C)

Exhibit 5



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	February 24, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On February 24, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed EPA employee (b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C). Joining (b) (6), was EPA employee and Union Representative (b) (6), (b) (7)(C). Joining the Reporting Agent and providing investigative assistance during this interview was EPA OIG, OI employee (b) (6), (b) (7)(C). Prior to the start of the interview the Reporting Agent made introductions (b) (6), (b) (7)(C) were already familiar with the Reporting Agent's credentials and authority to conduct the interview from the previous interview conducted in January 2016. The purpose for this interview, (b) (6), (b) (7)(C) was to gather additional clarity regarding the August 4 and 5, 2015 events (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

• (b) (6), (b) (7)(C)

,

(b) (7)(C)

,

(b) (7)(C)

RESTRICTED INFORMATION

Page 2

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

• (b) (6), (b) (7)(C)

[REDACTED]

(b) (7)(C)

(b) (7)(C) (b) (7)

(b) (7)(C)

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

• (b) (6), (b) (7)(C)

(b)(7)(C)

(b)(7)(C)

(b)

(b)(7)(C)

RESTRICTED INFORMATION

Page 4

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

• (b) (6), (b) (7)(C)

[REDACTED]

(b) (7)(C)

[REDACTED]

(b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

Attachments:

1. Administrative Warning, dated February 24, 2016.



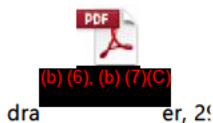
2. Audio recorded interview of (b) (6), (b) (7)(C) dated February 24, 2016.



WS330002.WMA

3. Transcript of audio recorded interview of (b) (6), (b) (7)(C) dated February 24, 2016, has been attached as a stand-alone document due to volume.

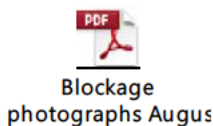
4. (b) (6), (b) (7)(C) profile diagram of GKM, last updated October 29, 2015.



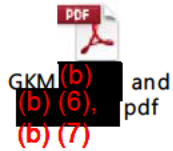
5. EPA work plan spreadsheet for GKM activities.



6. Picture of GKM blockage at 9:15AM and at 9:26AM on August 5, 2015.



7. (b) (6), (b) (7)(C) at GKM adit and bedrock, dated August 5, 2015.



8. CAT 320E Specifications page and picture.



9. GKM photographs, dated August 5, 2015 at 12:16PM, 2:14PM and two (2) photographs with no time stamp.



10. Reporting Agent and (b) (6), (b) (7)(C) drawings, dated February 24, 2016.



11. GKM photograph of spurt at blockage, dated August 5, 2015 at 10:51AM.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1200 SIXTH AVENUE, SUITE 900
SEATTLE, WA 98101

(b) (6), (b) (7)(C) ADMINISTRATIVE WARNING: DUTY TO COOPERATE

You are going to be asked a number of specific questions concerning the performance of your official duties as an employee of the United States Environmental Protection Agency.

You have a duty to reply to these questions. Agency disciplinary proceedings, including your dismissal, may be initiated if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence which is gained by reason of your statements can be used against you in criminal proceedings; except that you may be subject to criminal prosecution for any false oral or written answers made by you during the course of this interview.

You are subject to disciplinary actions up to and including dismissal if you refuse to answer or fail to respond truthfully and fully to any questions, or give misleading information.

Acknowledgement

I have read the above warning or had it read to me, and I understand my rights. I have been advised of the nature of the inquiry and I am willing to discuss the subject(s) presented to me. No promises, threats, or coercion of any kind have been made to me.

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION
KALKINES

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

1 Environmental Protection Agency

2 Office of Inspector General

3
4
5
6 Case No. OI-HQ-2015-CFR-0108

7
8 Interview of (b) (6), (b) (7)(C)

9 Conducted by

10 (b) (6), (b) (7)(C)

11 Office of Investigations

12
13 Also Present:

14 (b) (6), (b) (7)(C)

15 (b) (6), (b) (7)(C)

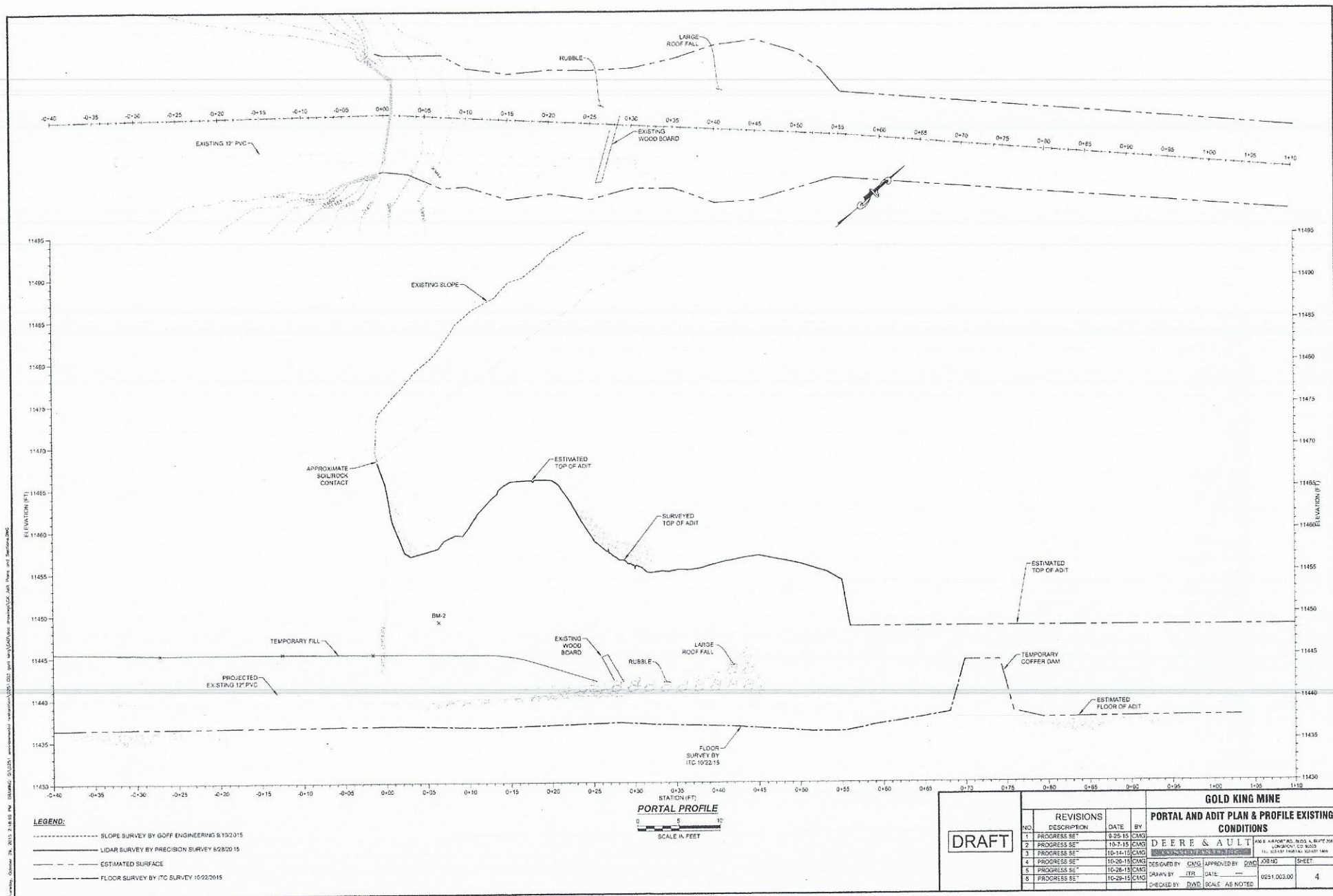
16 (b) (6), (b) (7)(C)

17
18 (b) (6), (b) (7)(C)

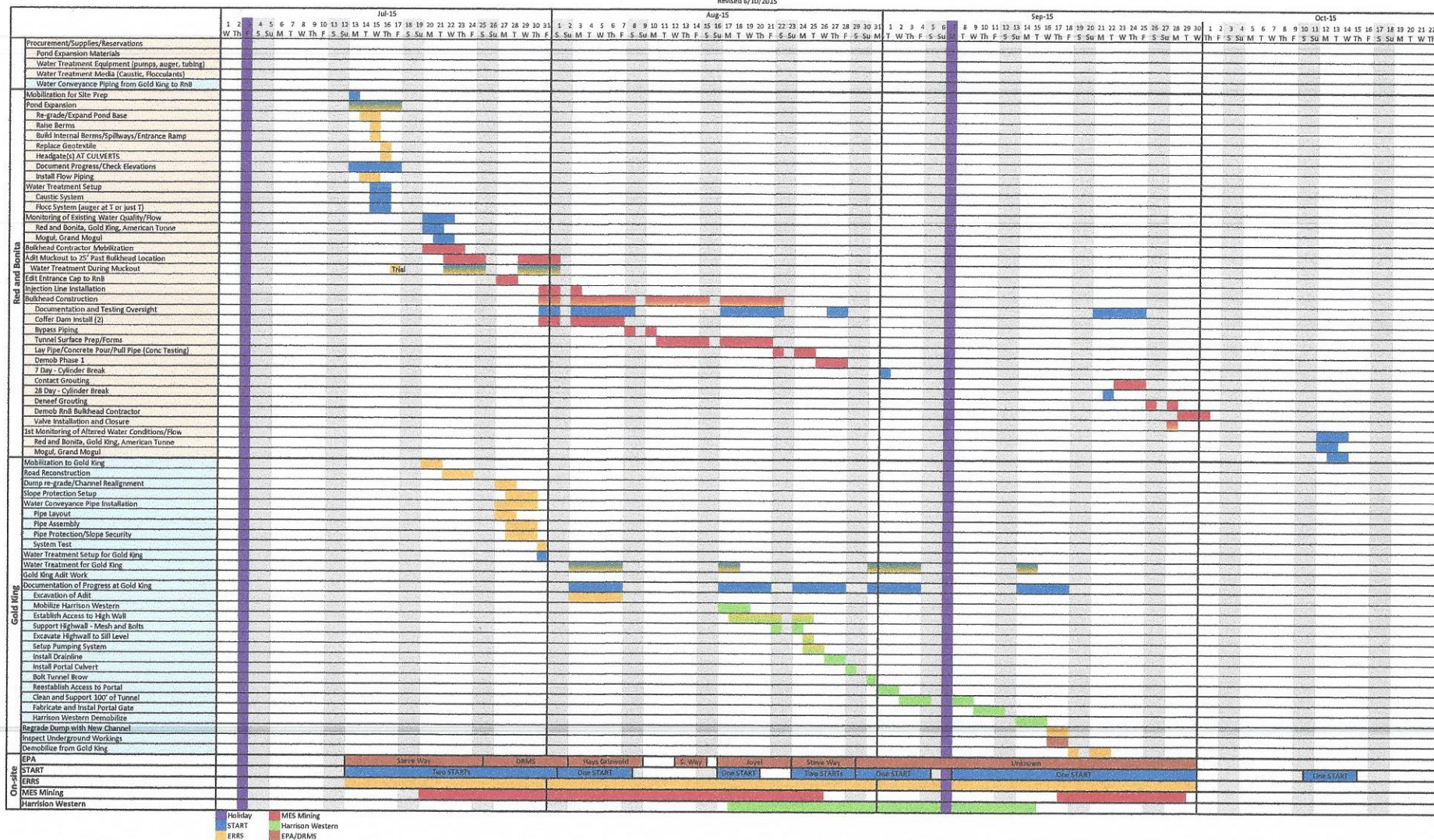
19 (b) (6), (b) (7)(C)

20
21
22
23
24
25
(b) (6), (b) (7)(C) TRANSCRIPTION SERVICE
(b) (6), (b) (7)(C)

333 pages of Interview transcript withheld under Exemptions b(5) - deliberative process, (b)(6), (b)(7)(C) and (b)(7)(E)



Red and Bonita / Gold King
2015 Field Schedule
Revised 6/10/2015





08/05/2015 09:15



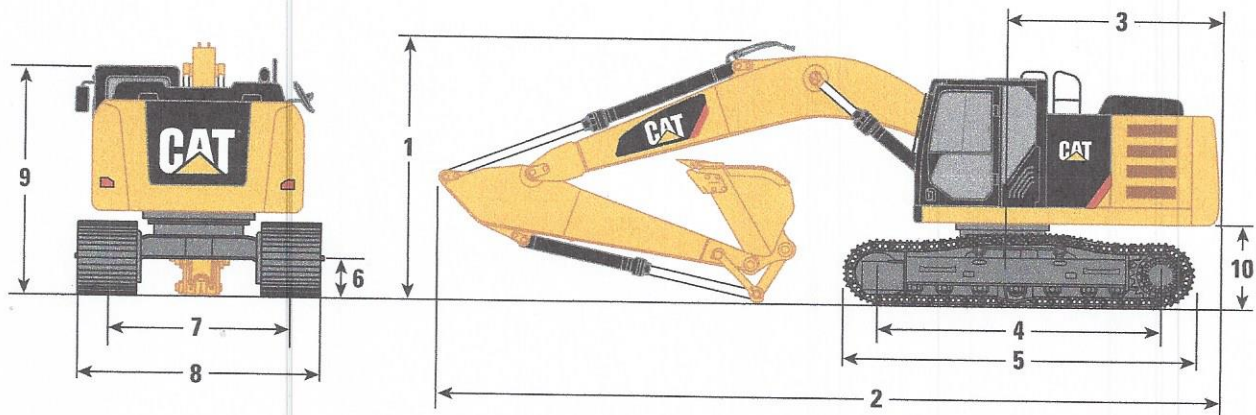


(b) (6), (b) (7)(C)

320E L Hydraulic Excavator Specifications

Dimensions

All dimensions are approximate.



Stick	Heavy Duty and Extreme Service Booms 5.7 m (18'8")		Super Long Reach Boom 8.85 m (29'0")
	3.9B1 (12'10")*	2.9B1 (9'6")**	Super Long Reach 6.28 m (20'6")***
	mm (ft)	mm (ft)	mm (ft)
1 Shipping Height†	3740 (12'3")	3130 (10'4")	3180 (10'4")
Shipping Height with Guard Rail	3240 (10'8")	3240 (10'8")	3240 (10'8")
Shipping Height with Top Guard	3150 (10'3")	3150 (10'3")	3150 (10'3")
2 Shipping Length	9340 (30'8")	9540 (31'4")	12 750 (41'10")
3 Tail Swing Radius	2830 (9'3")	2830 (9'3")	2830 (9'3")
4 Length to Center of Rollers	3650 (12'0")	3650 (12'0")	3650 (12'0")
5 Track Length	4460 (14'6")	4460 (14'6")	4460 (14'6")
6 Ground Clearance	450 (1'6")	450 (1'6")	450 (1'6")
7 Track Gauge	2380 (7'10")	2380 (7'10")	2380 (7'10")
8 Transport Width			
600 mm (24") Shoes	2980 (9'9")	2980 (9'9")	2980 (9'9")
790 mm (31") Shoes	3170 (10'5")	3170 (10'5")	3170 (10'5")
9 Cab Height	2960 (9'9")	2960 (9'9")	2960 (9'9")
Cab Height with Top Guard	3150 (10'3")	3150 (10'3")	3150 (10'3")
10 Counterweight Clearance††	1020 (3'4")	1020 (3'4")	1020 (3'4")

*Cat 900 mm (36"), 0.81 m³ (1.06 yd³) GD bucket with 1557 mm (5'1") tip radius.

**Cat 1200 mm (48"), 1.19 m³ (1.56 yd³) HD bucket with 1571 mm (5'2") tip radius.

***Cat 1100 mm (44"), 0.61 m³ (0.8 yd³) ditch cleaning bucket with 1092 mm (3'7") tip radius.

†Including shoe lug height without guard rail.

††Without shoe lug height.





08/05/2015 12:06



08/05/2015 14:14





(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)

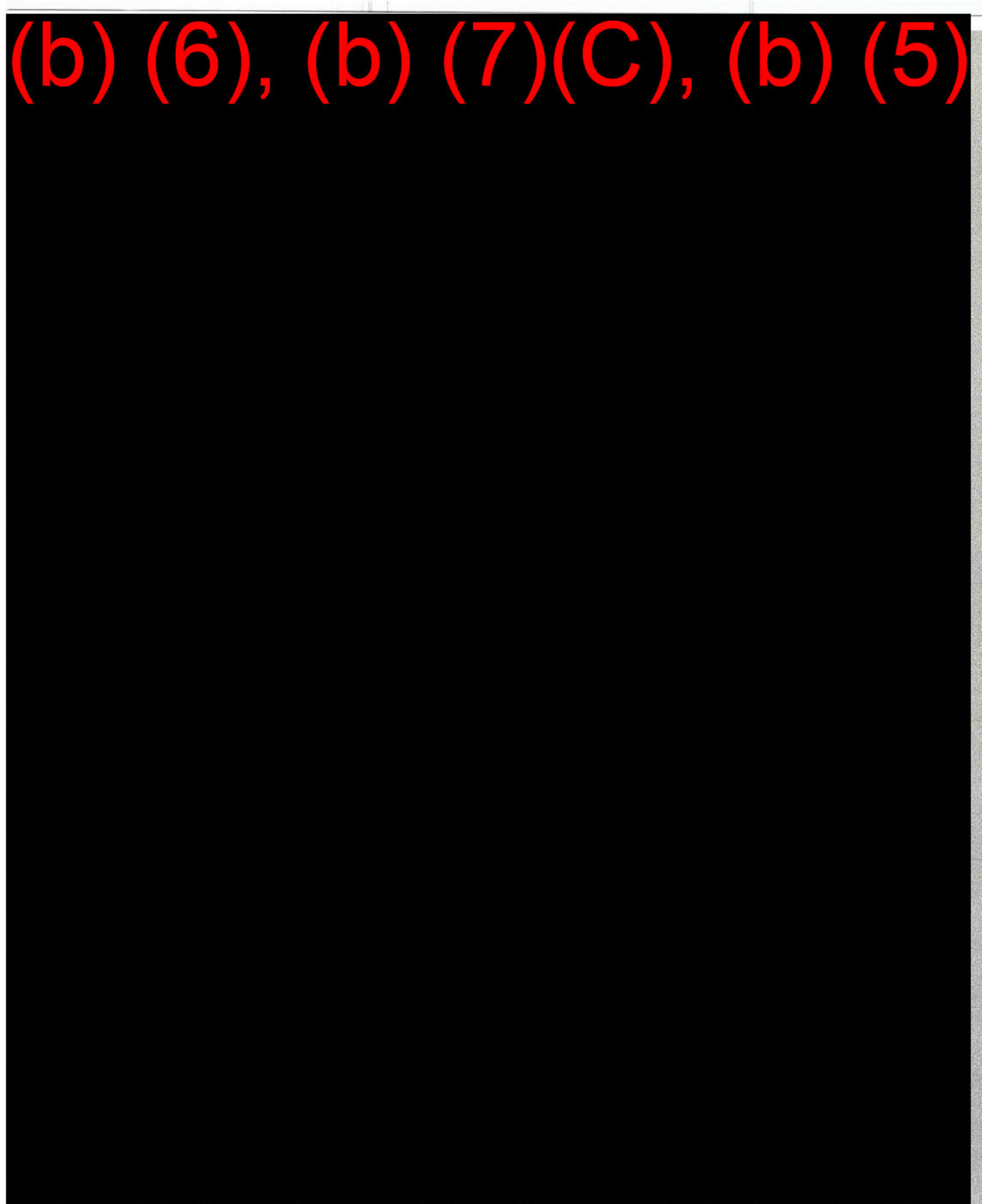




Exhibit 6

Exhibit 6 is
contained within
Exhibit 5

Exhibit 7



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	April 18, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic, EPA, OIG Headquarters, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On April 18, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) telephonically interviewed EPA employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) EPA offices located (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was already familiar with the Reporting Agent's credentials and authority to conduct the interview. The purpose for this interview, which had been explained to (b) (6), (b) (7)(C) was to gather additional clarity from a (b) (6), (b) (7)(C) email (b) (6), (b) (7)(C) had sent to the Reporting Agent (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

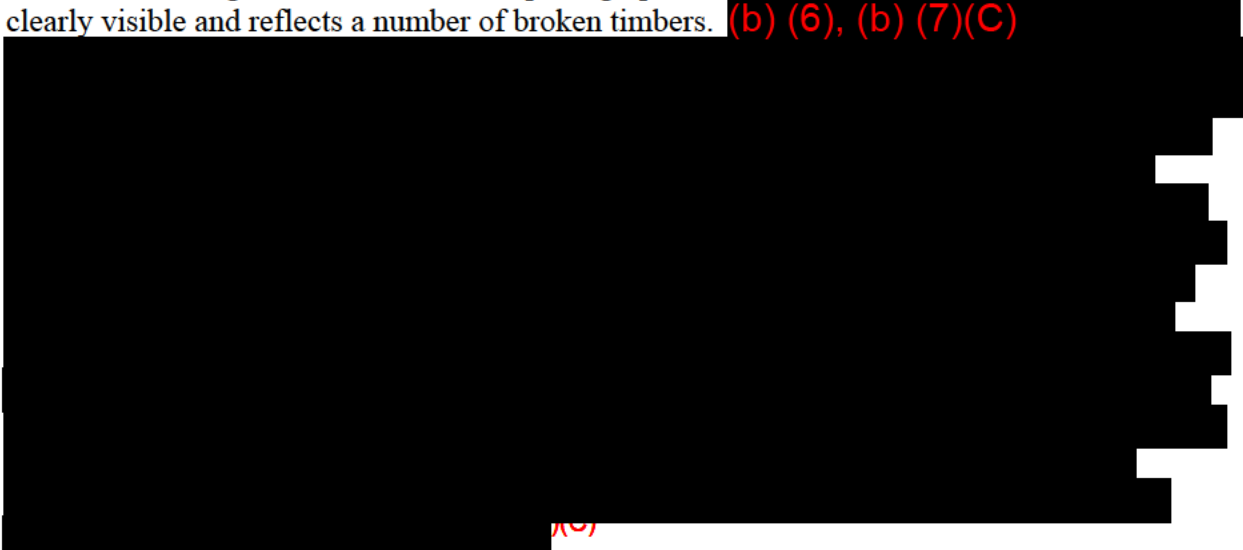
(b) (6), (b) (7)(C)

RESTRICTED INFORMATION


Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

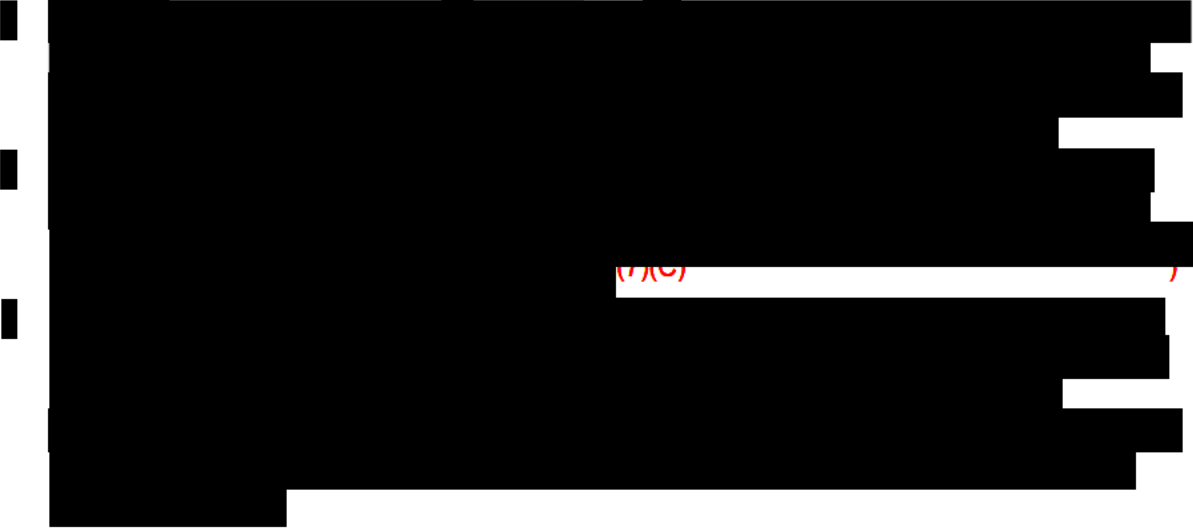
The Reporting Agent asked (b) (6), (b) (7)(C) to consider two (2) pictures: 1) a (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) Portal Profile diagram, dated October 29, 2015; and 2) an August 5, 2015, 12:06PM color photograph of the GKM adit post the contaminated water release. During this discussion, (b) (6), (b) (7)(C) also referred to an August 5, 2015, 12:47PM photograph. In both photographs the GKM adit was clearly visible and reflects a number of broken timbers. (b) (6), (b) (7)(C)



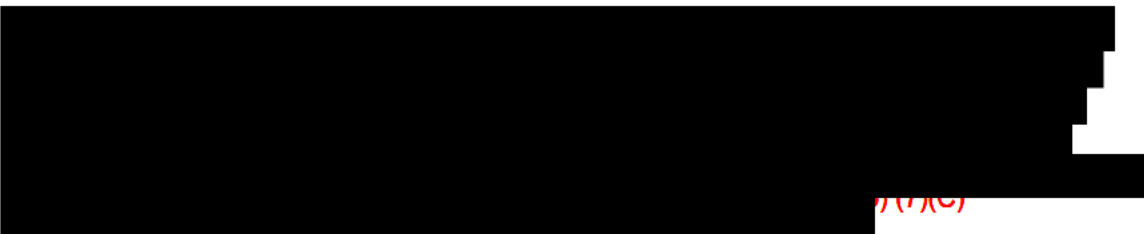
(b) (6), (b) (7)(C)



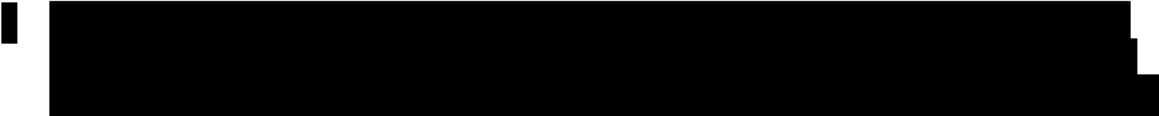
(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

(b) (6), (b) (7)(C)

The Reporting Agent completed and then terminated the interview.

Attachments:

1. (b) (6), (b) (7)(C) email, dated March 28, 2016, and original "Illustration" attachment.



Clean
Illustration.pdf

2. (b) (6), (b) (7)(C) annotated "Illustration" along with (b) (6), (b) (7)(C) & (b) (6), (b) (7)(C) diagram and August 5, 2015, 12:06 photograph.



Annotated
Illustration.pdf

(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Monday, March 28, 2016 1:59 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: Gold King Mine Illustration Attached
Attachments: IllustrationofLevels-1.pdf

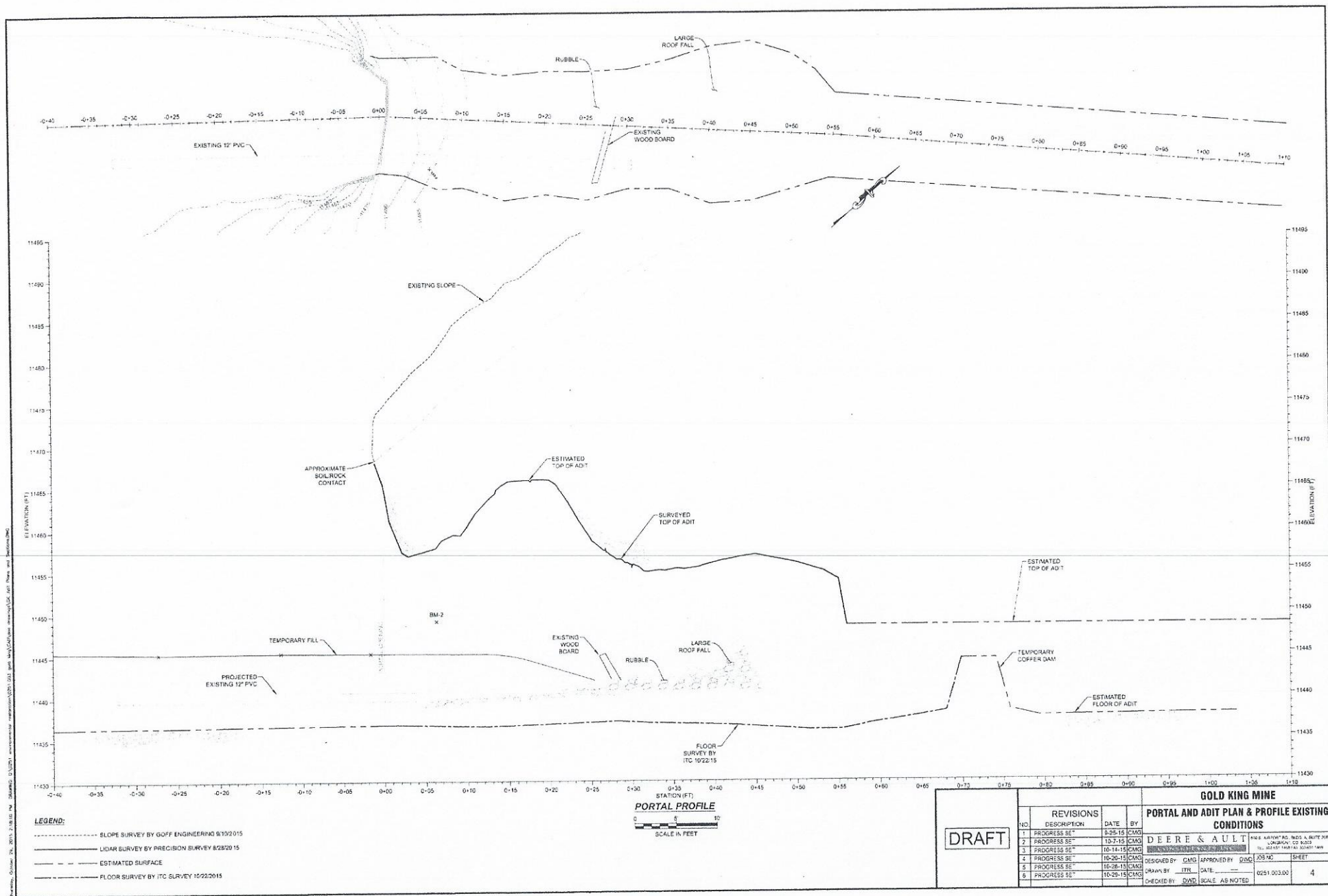
(b) (6), (b) (7)(C), (b) (5)

(b) (6), (b) (7)(C), (b) (5)



(b) (6), (b) (7)(C), (b) (5)







08/05/2015 12:06

Exhibit 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
TWO POTOMAC YARD
2733 SOUTH CRYSTAL DRIVE
ARLINGTON, VA 22202

MEMORANDUM OF INTERVIEW

Interview Date:	AUGUST 21, 2015
Case Name:	GOLD KING MINE INCIDENT (ANIMAS RIVER)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, CO
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

Background:

On August 21, 2015, (b) (6), (b) (7)(C) U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations (OI), interviewed (b) (6), (b) (7)(C). The purpose of this interview was to obtain information about the release of mine waste water from the Gold King Mine (GKM) near Silverton, Colorado. After the Reporting Agent identified (b) (6), (b) (7)(C) as a Special Agent with EPA's OIG, (b) (6) provided the following information:

(b) (6), (b) (7)(C)

The GKM became a focus project for EPA in 2013/2014. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Planning for work at the GKM began by collaborating with the Colorado Division of Reclamation, Mining and Safety (DRMS). (b) (6), (b) (7)(C) historical information of the GKM, flow data from the current discharge, interviewed former miners and met with the Animas River Stakeholder group. Discharge and flow data from the Red and Bonita mines was also reviewed. Sub-contractors Harrison-Western were also involved in the planning (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) the plan developed for the mine was general so it could allow for flexibility. Not all contingencies can be anticipated, such as needing different sized pipes, material, etc.

The work initially conducted at the Red and Bonita mines was intended to prevent work having to be conducted at the GKM. However, in order to control the mine water discharge leading to the Animas River, work on the GKM was necessary. Acid generating rock located within the GKM was causing water being discharged to have a pH level of 3.

In 2014, the GKM site was visited and some work performed on the exposed blockage, but more time was needed to conduct work on the mine because of weather concerns. Work on the mine sites can only be conducted in certain seasons/weather. The intent of the work to be conducted at the GKM was to insert a “stinger” or wellpoint above the blockage covering the adit to help release the water. The water would then be routed to the water treatment facilities at the Red and Bonita mines (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) described the GKM as having a few sets of support (collapsed or partially collapsed) in the first 100 feet of the mine adit. After that, the rest of the mine was stable. Compared to the Red and Bonita mines, the GKM had poorer ground conditions.

Mine water releases are covered by EPA’s National Contingency Plan (NCP). Contingencies that (b) (6), (b) (7)(C) could manage such as injuries, small leaks, and spills are incorporated into (b) (6), (b) (7)(C) plan. Any contingencies (b) (6), (b) (7)(C) could not manage are covered by the NCP. The plan for GKM was approved by (b) (6), (b) (7)(C) with input from the contractor, Environmental Restoration (ER) (b) (6), (b) (7)(C) DRMS; and (b) (6), (b) (7)(C). The GKM health and safety plan for the site is reviewed by the OSC, but developed by the contractor working at the site.

Work began for the GKM on July 14, 2015 by first expanding the water treatment ponds at the Red and Bonita mines. On July 22 or 23, 2015 ER prepared a road to the GKM site and planned the details of the water conveyance system from the GKM to treatment ponds at the Red and Bonita mines. Pipe was installed to receive the flow from the GKM (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b)

(b) (7)

Post Incident GKM Concerns:

(b) (6), (b) (7)(C)

Although all of the inner workings of the mines couldn't be seen, all the information analyzed suggested there was no connection between the mines (b) (6), (b) (7)(C) a connection would be very unlikely because the Red and Bonita mines were also at a lower elevation.

(b) (6), (b) (7)(C)

Response to the Incident:

(b) (6), (b) (7)(C)

(b)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Agent's Notes:

Interviewee Contact Information:

(b) (6), (b) (7)
(C)

Office: (b) (6), (b) (7)
Mobile: (b) (6), (b) (7)
(C)

(b) (6), (b) (7)(C)

Nothing further.

Exhibit 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	January 13, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On January 13, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed EPA employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C), (b) (6), (b) (7)(C). Joining (b) (6) was EPA employee and Union Representative (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C). Joining the Reporting Agent and providing investigative assistance during this interview were EPA, OIG employee (b) (6), (b) (7)(C).

Finally, joining the Reporting Agent, via telephonic conference call, were OIG employees (b) (6), (b) (7)(C).

Prior to the start of the interview the Reporting Agent made introductions and both the Reporting Agent and SA (b) (6), (b) (7)(C) had produced law enforcement credentials for (b) (6) to inspect. (b) (6), (b) (7)(C) acknowledged (b) (6), (b) (7)(C) understanding for participating in the interview and Reporting Agent's authority to conduct the interview. The purpose for this interview, which had been explained to (b) (6) and among others had been to (b) (6), (b) (7)(C).

The Reporting Agent explained to (b) (6), (b) (7)(C)

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b)

[REDACTED]

(b)(6), (b)(7)(C), (b)(7)(E)

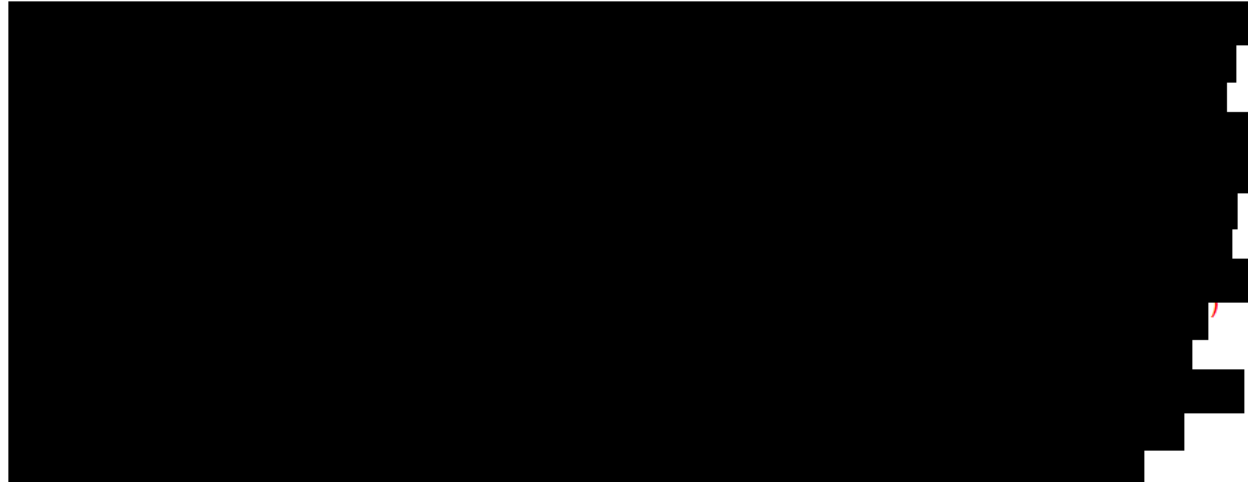
(b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b)

(b)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b)(6)

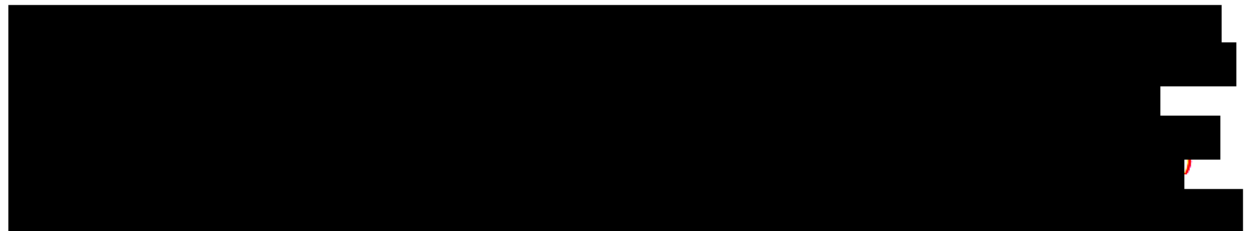
(b)

(b)(6)

)

(b)

(b)


A large rectangular area of the document is completely blacked out, indicating redacted information.

(b)

(b)(6), (b)(7)(C), (b)(7)(E)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C)

A large rectangular area of the document is completely blacked out, indicating redacted information.

(b) (6), (b) (7)(C)

(b)

[REDACTED]

(b)

Upon completion of the OPE portion of the interview, the Reporting Agent offered (b) (6) the opportunity to contribute any additional information that (b) (6) might have to offer. When (b) (6) responded that (b) (6) had nothing more to offer; and, after the Reporting Agent requested (b) (6) track down information related to billing for Red & Bonita Mine activity, as well as, the origin of a GKM Watershed Fact Sheet, the Reporting Agent terminated the OIG interview.

In a subsequent email from (b) (6) regarding the GKM Watershed Fact Sheet, (b) (6) had stated that (b) (6) could not ascertain the origin of the fact sheet but that it was reviewed and subsequently uploaded by EPA personnel to the agency's website. As it related to DRMS billing for the Red

& Bonita Mine activities, (b) (6) had said that another EPA employee would be better suited to respond to pertinent billing questions.

Attachments:

1. Administrative Warning, dated January 13, 2016.



(b) (6) Kalkines.pdf

2. OI Procedure 207, Section 4.2, Role of Union Representative



Union Rep.pdf

3. (b) (6) response to questions that needed additional research, dated January 14, 2016.



(b) (6) research
Qs.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1200 SIXTH AVENUE, SUITE 900
SEATTLE, WA 98101

ADMINISTRATIVE WARNING: DUTY TO COOPERATE

(b) (6), (b) (7)(C)

You are going to be asked a number of specific questions concerning the performance of your official duties as an employee of the United States Environmental Protection Agency.

You have a duty to reply to these questions. Agency disciplinary proceedings, including your dismissal, may be initiated if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence which is gained by reason of your statements can be used against you in criminal proceedings; except that you may be subject to criminal prosecution for any false oral or written answers made by you during the course of this interview.

You are subject to disciplinary actions up to and including dismissal if you refuse to answer or fail to respond truthfully and fully to any questions, or give misleading information.

Acknowledgement

I have read the above warning or had it read to me, and I understand my rights. I have been advised of the nature of the inquiry and I am willing to discuss the subject(s) presented to me. No promises, threats, or coercion of any kind have been made against me. I know and understand what I am doing.

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION
KALKINES

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

Procedure Number: 207

Approval Date: 01/28/2014

Responsible Office: OI

Review Date: 01/28/2017

(b) (7)(E)



Procedure Number: 207

Approval Date: 01/28/2014

Responsible Office: OI

Review Date: 01/28/2017

(b) (7)(E)



(b) (6), (b) (7)(C)

From: (b) (6), (b) (7)(C)
Sent: Thursday, January 14, 2016 7:04 PM
To: (b) (6), (b) (7)(C)
Cc:
Subject: RE: Interview follow up information

(b) (6), (b) (7)(C)

As requested, the items that I was requested to follow up on during our interview on January 13th are below:

(b) (6), (b) (7)(C), (b) (5)

-----Original Message-----

From: (b) (6), (b) (7)(C)
Sent: Wednesday, January 13, 2016 9:29 AM
To: (b) (6), (b) (7)(C)
Subject: Interview location

Scheduling conflicts occurred and we have had to relocate to the 2nd floor for a conf room. Please meet us as scheduled at 10AM at the OIG space on the 4th floor and from there we can walk down together to a 2nd floor conf room.

Thank you.

Sent from my iPhone

GOLD KING MINE – WATERSHED FACT SHEET



Site Names: Upper Animas Watershed, Upper Cement Creek

City: Silverton

1622621

County: San Juan

Location: latitude: 37.8945° N; longitude: 107.6384° W; approximately 11,000 feet elevation

HISTORICAL BACKGROUND:

The Gold King Mine (GKM) was discovered by Olaf Nelson in 1887, with operations continuing until 1907 when a fire destroyed the surface buildings of the mine. The mine was reopened in 1910 but closed shortly thereafter because of litigation and labor problems. In 1918 a new company bought the mine and operated it until the fall of 1922. The GKM shipped 711,144 tons of gold and silver ore while in operation. The mine has been inactive since then. It is currently owned by San Juan Corporation.

The GKM is located in the Upper Animas Watershed in southwestern Colorado. These watersheds within the volcanic terrain of the San Juan Mountains contain some 400 abandoned and inactive mine sites, which have been the focus of both large- and small-scale mining operations between 1871 and 1991. The watershed consists of three main streams, the Animas, Cement Creek and Mineral Creek all of which drain the Silverton Caldera. The Animas River and many of its tributaries are historically impacted by high concentrations of heavy metals from both acid rock/mine drainage at mine sites and from naturally occurring metal loading sources not impacted by mining.

Mining operations contributed to metals loading to alpine streams and creeks adding to the natural metal loading already occurring in the mineralized area. As a common practice, mine tailings were directly deposited into the creeks and rivers until the 1930's. Water draining from the mines occurs when mining operations in the mountainsides alter the hydrology of the area and combine with natural springs, pulling water into mine tunnels. The water reacts with iron disulfide (pyrite) and oxygen to form sulfuric acid (acid rock/mine drainage). The resulting acidic water dissolves naturally occurring heavy metals such as zinc, lead, cadmium, copper and aluminum and results in water containing these metals flowing out of the mine adits (a horizontal shaft into a mine, which is used for access or drainage).

By the end of mining operations, many of the mines were left discharging contaminated water into streams. In 1991, the last big mine in the region, the Sunnyside, stopped mining. Its owner, Sunnyside Gold Corp., agreed not only to bulkhead (mine plug) its mine, but also to clean up abandoned mines nearby, while continuing to run the metal-laden waters of upper Cement Creek through a water treatment facility.

Sunnyside also reached an agreement with the state and Gold King mining to turn over its water treatment operations to Gold King. At that time, the GKM, like the nearby Red and Bonita mine, had not discharged any water. However, after Sunnyside closed, water found natural fractures that allowed it to flow into the GKM and Red and Bonita mines. Initially, these waters were run through the treatment plant that Sunnyside built, but Gold King ran into technical, financial and legal troubles and the treatment plant stopped operating.

The GKM is one of an estimated 23,000 abandoned mines dotting the state of Colorado. Of these abandoned mines, 6,127 have been made safe by the Colorado Division of Reclamation, Mining and Safety.

PREVIOUS WATER RELEASE INCIDENTS IN THE AREA:

1975 – A tailings pile on the banks of the Animas River northeast of Silverton was breached, dumping tens of thousands of gallons of water, along with 50,000 tons of heavy-metal-loaded tailings into the Animas.

1978 – Sunnyside Mine worker breached the floor of Lake Emma sending an estimated 500 million gallons of water through the mines, sweeping up huge machinery, tailings and sludge, and ultimately releasing through the American Tunnel to downstream waters.

SITE ASSESSMENT:

EPA and the Colorado Department of Public Health and Environment (CDPHE) conducted a Superfund Site Assessment of the area in the 1990s. The assessment showed that water quality standards were not achieved in the Animas River near Silverton and identified the severe impacts to aquatic life in the Upper Animas and its tributaries from naturally occurring and mining-related heavy metals. In recognition of the community-based collaborative effort, EPA agreed to postpone adding all or a portion of the site to the Superfund NPL, as long as progress was being made to improve the water quality of the Animas River.

Until approximately 2005, water quality in the Animas River was improving. However, since 2005, water quality in the Animas River has not improved and, for at least 20 miles below the confluence with Cement Creek and the water quality has declined significantly. Impacts to aquatic life were also demonstrated by fish population surveys conducted by Colorado Parks and Wildlife, which found no fish in the Animas River below Cement Creek for approximately two miles and observed precipitous declines in fish populations as far as 20 miles downstream since 2005.

Because of this declining water quality in the Animas River, in 2008, EPA's Superfund Site Assessment program began investigations in Upper Cement Creek focused on evaluating whether the Upper Cement Creek area alone would qualify for inclusion on the NPL. This evaluation indicated that the area would qualify, although after receiving additional community input, EPA postponed efforts to include the area on the National Priorities List. Since that time, EPA has continued and broadened its investigations of conditions at the site in order to understand the major sources of heavy metal contamination in the Upper Animas.

SITE RISK:

Mining operations have greatly disturbed the land, adding to existing highly mineralized conditions in many areas of the site. Mineralized waste rock exposed to air and water causes acidic conditions to mobilize the release of heavy metals to the surrounding environment. These heavy metals have found their way into the Animas River and its tributaries and have eventually traveled farther downstream.

Media Affected	Contaminants	Source of Contamination
surface water, subsurface water, surface soils and stream sediments	heavy metals – aluminum, lead, zinc, cadmium, copper, iron and manganese	historic mining activities and naturally occurring mineralization

CLEANUP PROGRESS:

Numerous mine reclamation and mine waste cleanup projects have been completed in the Upper Animas watershed over the last 20 years. These efforts have included diverting runoff away from and capping mine waste piles, moving mine waste piles away from drainages, consolidating mine waste piles and re-vegetating mine waste piles.

OTHER CLEAN UP EFFORTS:

The Animas River Stakeholders Group (ARSG), a collaboration between concerned citizens and representatives from industry and federal and state agencies, was created in 1994 to address the water discharges. The ARSG, along with federal and state agencies, continue to work to clean up the mines.

In addition, ARSG has been using a watershed approach and has developed a remediation plan, recommended feasible water quality standards (which were adopted in 2001) and has implemented remediation projects throughout the Upper Animas River Basin.

Exhibit 10



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	February 25, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

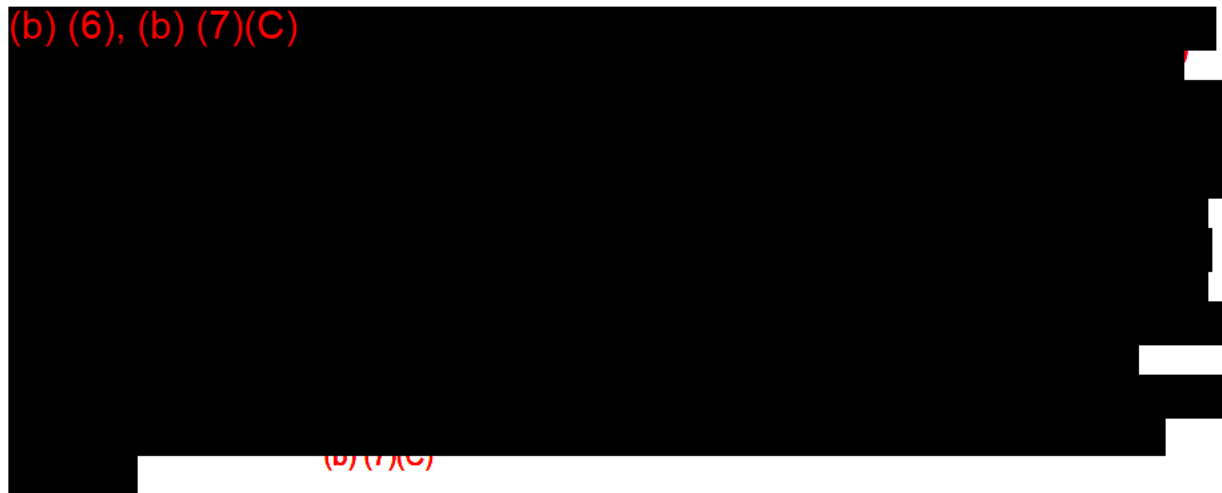
On February 25, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), interviewed EPA employee (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) in an EPA conference room located at (b) (6), (b) (7)(C) Joining (b) (6), (b) (7)(C) was EPA employee and Union Representative (b) (6), (b) (7)(C)

Joining the Reporting Agent for this interview was OIG, OI employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

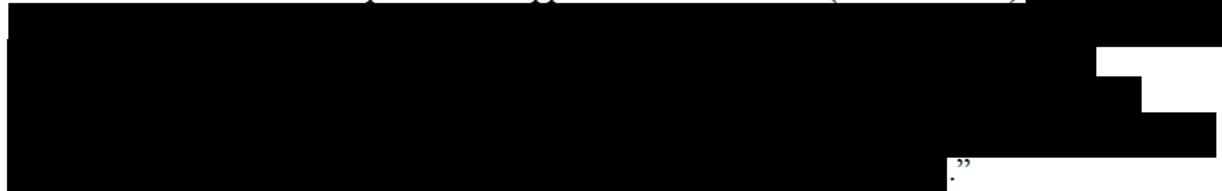
RESTRICTED INFORMATION

(b) (6), (b) (7)(C)




(b) (7)(C)

The Reporting Agent asked (b) (6) to consider four (4) different photographs: 1) a hand prepared drawing of the GKM Level 7 adit with two (2) pipes located at or along the roof/ceiling of the GKM, Level 7 adit (undated); 2) a Weston Solutions drawing representing the same information as described above in #1 (dated 8-10-15); 3) an August 4, 2015 photograph taken at 10:28AM of the GKM, Level 7 adit; and, 4) a photograph previously provided to the Reporting Agent (b) (6), (b) (7)(C) showing the GKM, Level 7 adit as it appeared, post August 5, 2015 and sometime after the completion and application of shotcrete (Attachment 2) (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

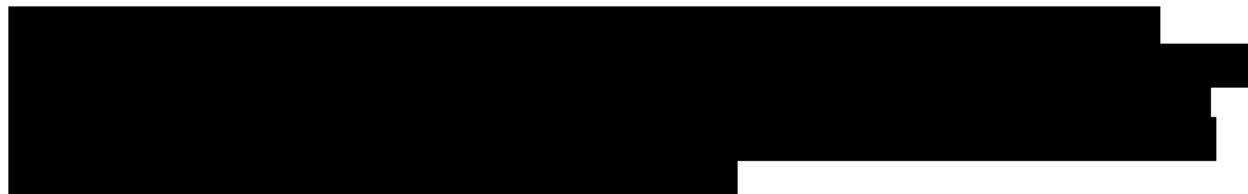
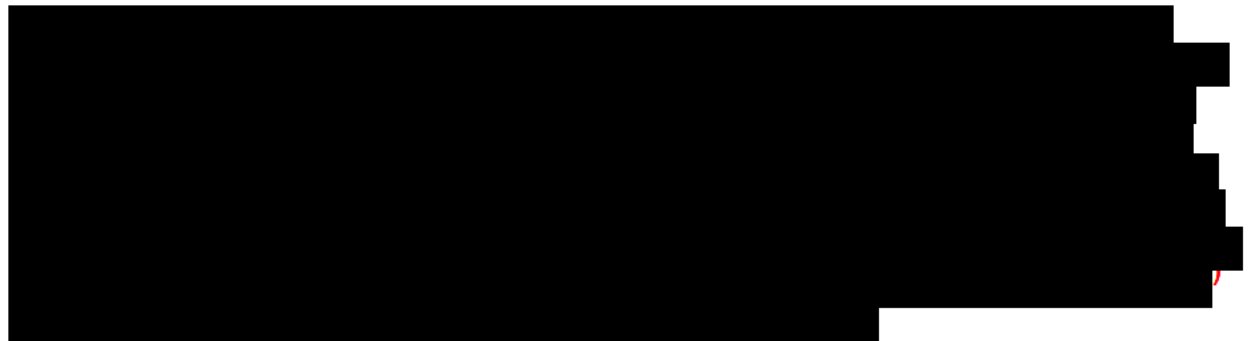
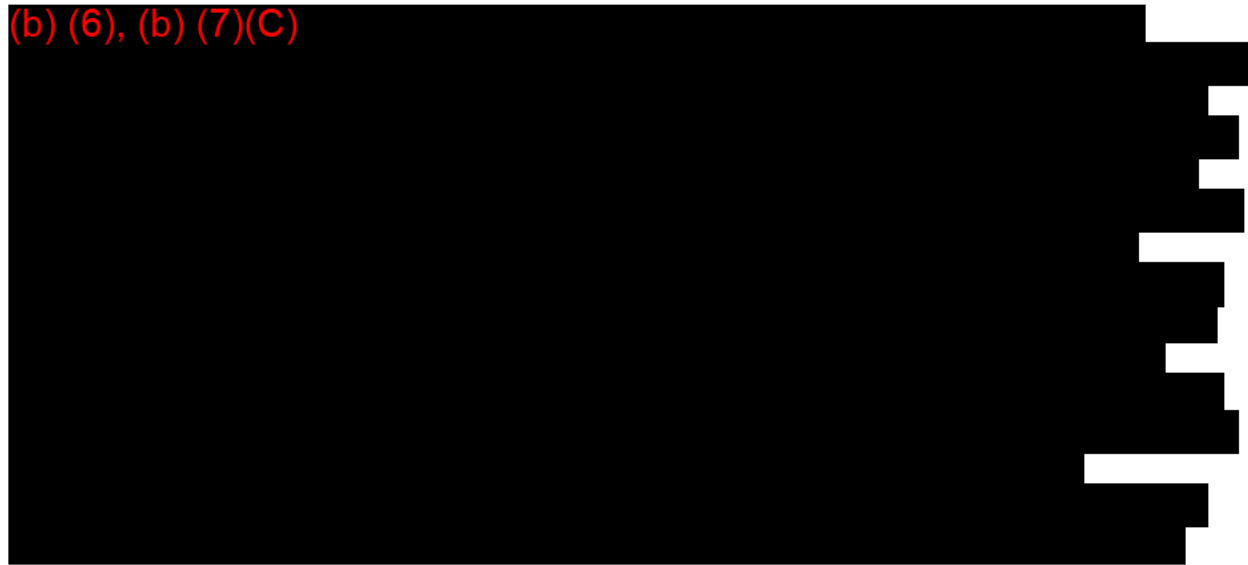


(b) (7)(C)

(b)

(b)

(b) (6), (b) (7)(C)



RESTRICTED INFORMATION

Page 3

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

Attachments:

1. Administrative Warning, dated January 13, 2016.



(b) (6) Kalkines.pdf

2. GKM drawings, one (1) photograph, dated August 4, 2015 at 10:28AM and one (1) photograph, undated, reflecting post shotcrete activities.



GKM drawings.pdf

3. (b) (6) email, dated July 29, 2015.



(b) (6) email.pdf

4. GKM photograph of August 5, 2015 taken at 2:14PM.



GKM Aug 5,
2015.pdf

5. GKM photographs preparing for shotcrete and after, to include signs of excavation further down after completion of earlier shotcrete activities.



GKM shock-crete
prep and after.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1200 SIXTH AVENUE, SUITE 900
SEATTLE, WA 98101

ADMINISTRATIVE WARNING: DUTY TO COOPERATE

(b) (6), (b) (7)(C)

You are going to be asked a number of specific questions concerning the performance of your official duties as an employee of the United States Environmental Protection Agency.

You have a duty to reply to these questions. Agency disciplinary proceedings, including your dismissal, may be initiated if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence which is gained by reason of your statements can be used against you in criminal proceedings; except that you may be subject to criminal prosecution for any false oral or written answers made by you during the course of this interview.

You are subject to disciplinary actions up to and including dismissal if you refuse to answer or fail to respond truthfully and fully to any questions, or give misleading information.

Acknowledgement

I have read the above warning or had it read to me, and I understand my rights. I have been advised of the nature of the inquiry and I am willing to discuss the subject(s) presented to me. No promises, threats, or coercion of any kind have been made against me. I know and understand what I am doing.

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION
KALKINES

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

CLIENT/SUBJECT: GOLD KING MINE

TASK DESCRIPTION: EPA WORKING ASSUMPTIONS

PREPARED BY: (b) (6), (b) (7)(C) DEPT: START RS DATE: _____

MATH CHECKED BY: (b) (6), (b) (7)(C) DEPT: START RS DATE: _____

METHOD REV. BY: DEPT: DATE: _____

SHEET 1 of 1

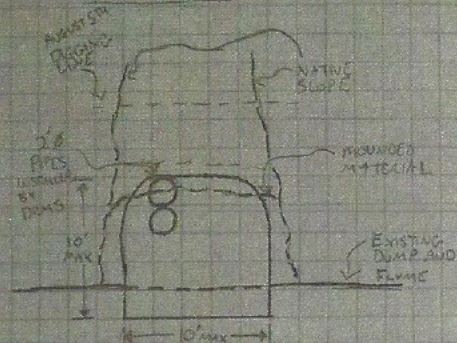
W.O. NO. _____

TASK NO. _____

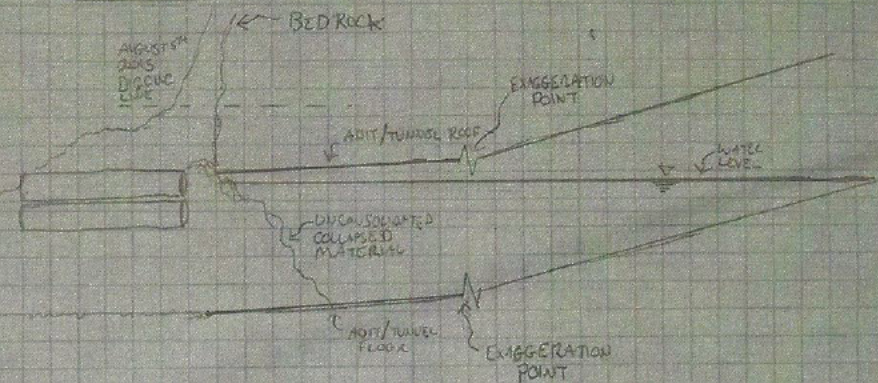
APPROVED BY _____

DEPT: DATE: _____

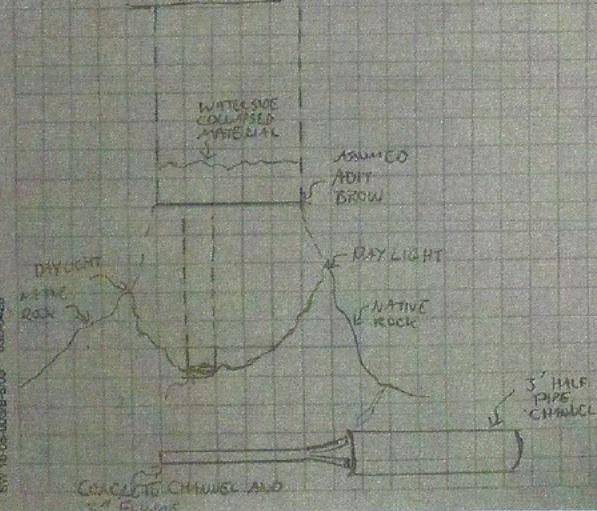
FRONT VIEW N.T.S.

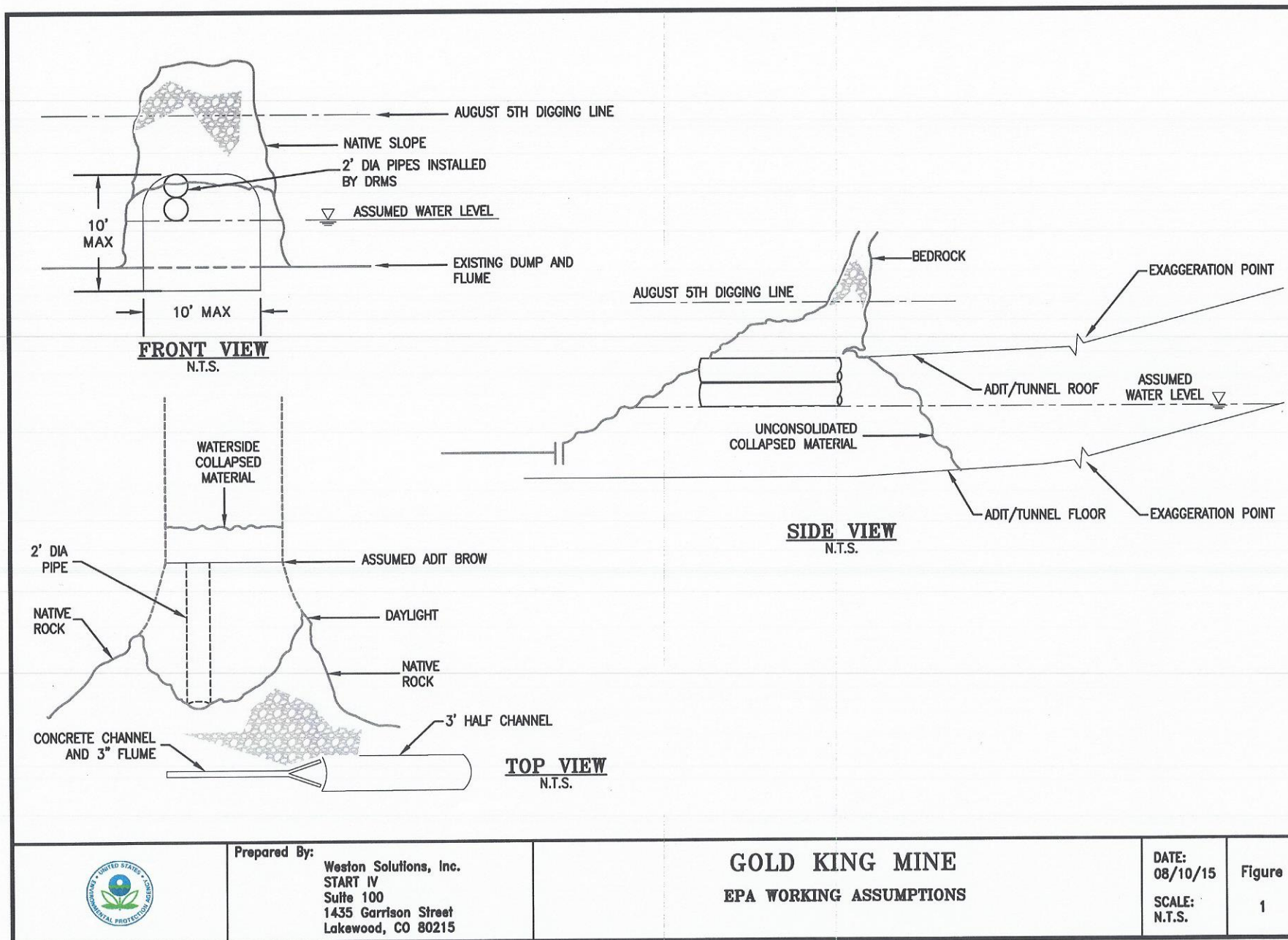


SIDE VIEW N.T.S.



TOP VIEW N.T.S.





Prepared By:
 Weston Solutions, Inc.
 START IV
 Suite 100
 1435 Garrison Street
 Lakewood, CO 80215

GOLD KING MINE **EPA WORKING ASSUMPTIONS**

DATE:
 08/10/15
 SCALE:
 N.T.S.

Figure
 1





From:

(b) (6), (b) (7)(C)

To:

Cc:

Subject:

Date:

Gold King Mine - prep

Wednesday, July 29, 2015 7:03:40 AM

(b) (6), (b) (7)(C), (b) (5)

From:

To:

Subject:

Date:

(b) (6), (b) (7)(C)

FW: Gold King Mine - prep

Wednesday, July 29, 2015 10:42:00 AM

(b) (6), (b) (7)(C), (b) (5)



08/05/2015 14:14









Exhibit 11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

Headquarters
1301 Constitution Avenue, WJC West, Room 3428
Washington, DC 20460

MEMORANDUM OF INTERVIEW

Interview Date:	April 25, 2016
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	Telephonic to (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	N/A

On February 25, 2016, Office of Inspector General (OIG), Office of Investigations (OI) (b) (6), (b) (7)(C) telephonically interviewed EPA employee

(b) (6), (b) (7)(C)

The purpose for this interview, which had been explained to (b) (6), (b) (7)(C) was to gather additional clarity concerning (b) (6), (b) (7)(C) email

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

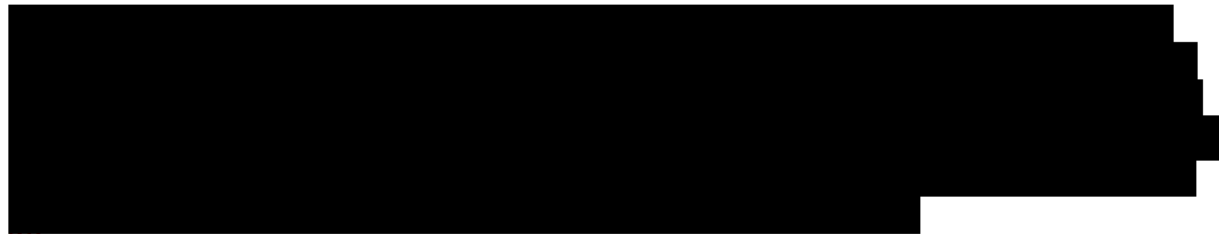




(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency: it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)



(b)



(b)

RESTRICTED INFORMATION

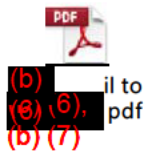
Page 2

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

Attachments:

1. (b) (6) email, dated July 29, 2015.



From:

(b) (6), (b) (7)(C)

To:

Cc:

Subject:

Date:

Gold King Mine - prep

Wednesday, July 29, 2015 7:03:40 AM

(b) (6), (b) (7)(C), (b) (5)



From:

(b) (6), (b) (7)(C)

To:

Subject:

FW: Gold King Mine - prep

Date:

Wednesday, July 29, 2015 10:42:00 AM

(b) (6), (b) (7)(C), (b) (5)



Exhibit 12



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

61 FORSYTH STREET, S.W., ROOM 12T20
ATLANTA, GA 30303

MEMORANDUM OF INTERVIEW

Interview Date:	August 21, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, CO
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 21, 2015, (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) Environmental Restoration LLC (ER), regarding the August 5, 2015 release of approximately 3 million gallons of contaminated water from the Gold King Mine into the Animas River, via the Cement Creek tributary. Also present at this interview was (b) (6), (b) (7) EPA-OIG Program Evaluator and (b) (6), (b) (7), legal counsel for ER. After proper identification was shown and being advised about the nature of the interview, (b) (6), (b) (7) provided the following information:

Biographical:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

(b)

(b)

Involvement with Gold King Mine

ER is an Emergency and Rapid Response Services (ERRS) contractor for EPA Region 8, Denver Colorado. It is under this contract that ER was tasked to serve as the primary contractor for EPA activities at the Red & Bonita and Gold King mines. (b) (6), (b) (7)(C)

All activity in this general area was described as getting into mines to get a better understanding from where the water was coming so a plan could be developed to stop or reduce the flow of water from the mines.

In late August 2014, ER was tasked with performing activities at the Gold King Mine. ER was already involved in activities at the Red and Bonita Mine. (b) (6), (b) (7) believed that the ultimate goal was to open the Gold King Mine so it could be decommissioned in a manner as the Red and Bonita Mine.

(b) (6), (b) (7) described the Gold King Mine site as a dirt hill with a pipe coming out it. The pipe had been previously installed by the State. A second pipe previously installed by the State had been buried.

After the Gold King Mine site was evaluated, (b) (6), (b) (7)(C) was "not comfortable" with proceeding with activities. It was late in the work season and the Gold King Mine site was "more than (b) (6) wanted to tackle at that time of year."

The only activity performed at Gold King Mine in 2014 was the installation of two drain pipes. (b) (6) postponed all planned activities until 2015 to provide more time to plan for the upcoming activities at Gold King Mine.

(b) (6), (b) (7)(C)

The "end goal" of the EPA 2015 plan for Gold King Mine was to open up the mine, rehabilitate the portal and possibly rehabilitate 75 to 100 feet of tunnel so that EPA could enter the mine and "see what was going on."

Two adits were discharging water at the Gold King Mine site. The main concern centered on the larger discharge. The plan was to re-grade the top of the mine dump in front of the adit to get the water "flowing in the right direction." Then a "stinger" would be installed to remove the water. Once the water was removed, a secure portal would be opened by "working in from the outside."

Events Leading to Release of Water from the Gold King Mine

On July 22, 2015, ER started activities at the Gold King Mine. The initial activities involved rebuilding the road leading to the adit. Once accomplished, the top of the mine dump was regarded. (b) (6), (b) (7)(C)

On August 4, 2015, excavation activities around the adit were initiated. (b) (6), (b) (7)(C)

On August 5, 2015, at approximately 7:30 am, a safety briefing was held. (b) (6), (b) (7)(C)

After the briefing, excavation activities continued at Gold King Mine. The purpose of the excavation was an investigation of what the rock conditions were at Gold King Mine. Because so much of the rock was fractured (described as “terrible”), the search was for “competent” rock. This information was needed because the underground contractor would know what “they have to deal with.” The underground contractor would be instrumental in securing and safeguarding the adit portal.

August 5, 2015, activities were not an attempt to install a “stinger” to remove water from the mine. No decision had been made as to when, or if, the installation of the “stinger” would occur.

(b) (6), (b) (7)(C)

Loose dirt/waste rock, material previously removed from the mine, was utilized to create a raised area from which the excavator would work. This raised area permitted the excavator to reach area well above the adit. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

At some point, someone noticed “a clear spring of water” coming out an area “way above where anyone expected” water. (b) (6), (b) (7)(C)

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

up to examine the discharge. Eventually the discharge turned orange and the adit burst open releasing a large quantity of water. All personnel present were able to move away from the adit prior to the blow-out so no one was injured. (b) (6), (b) (7)(C) was unable to estimate the length of time from when the discharge was first noticed and the blow-out event.

There was no cellular service at the site (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) of the release, via two way radio. (b) (6), (b) (7)(C) was directed to get (b) (6), (b) (7)(C) and block the road (north access) to prevent access to the affected area. (b) (6), (b) (7)(C) were also directed to notify a home building crew in the area so they would not travel into the affected area when they left.

(b) (6), (b) (7)(C) had radio contact with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) requested that they notify authorities downstream of the release. They agreed. Ultimately, (b) (6), (b) (7)(C) was made aware of all notifications made by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had notified San Juan County personnel in the area; however, they were already aware of the release by the time they were contacted (b) (6), (b) (7)(C) (b) (7)(C)

(b) (6), (b) (7)(C) made telephonic contact with (b) (6), (b) (7)(C) to discuss the incident.

(b) (6), (b) (7)(C) All procedures were followed and there were no delays in making the appropriate notifications.

Current Activities at Gold King Mine

Since the blow-out, the scope of work for the Gold King Mine site has changed. The current scope of work consists of:

- rebuilding the mine dump in front of the adit;
- clear the drainage structure of all obstructions and debris; and
- construct a water treatment system for the water discharging from Gold King Mine at Gladstone.

Additional Information

(b) (6), (b) (7)(C) No ER employee ever expressed concerns over activities conducted or planned for the site. ER agreed to provide EPA-OIG with a copy of (b) (6), (b) (7)(C) field log.

The Emergency Action Plan for this site was prepared (b) (6), (b) (7)(C) This plan contained responses for different contingencies; however, a blow-out such as the one which occurred was not one of the contingencies specifically listed. No one associated with activities at the Gold King Mine “thought in their wildest dreams there was 3 million gallons of water back there” (behind the blocked Gold King Mine level 7 Barbara adit).

Each construction site has a Health and Safety Plan. Because the Red & Bonita and Gold King Mine sites were in similar areas with similar circumstances, the plans were very similar. ER created a Health and Safety Plan for Gold King Mine. This plan contained information related to general site hazards, emergency contacts and emergency action plans. Safety briefings were held each day prior to commencing work at the Red & Bonita and Gold King mines. All employees were required to attend these briefings. Sign-in sheets were maintained which identified the employees at these briefings. ER agreed to provide EPA-OIG with a copy of its Health and Safety Plan for the Gold King Mine, as well as a copy of the safety briefing sign-in for August 4 & 5, 2015.

An EPA OSC was present at the site every day. (b) (6), (b) (7)(C) on a daily basis with regard to work orders. Most communications were verbal. Submission of written reports to OSC's varied from periods in which they were done - daily to every 4 or 5 days.

(b) (6), (b) (7)(C) ER employees possess photographs and video depicting the Gold King Mine prior to and after the release. ER agreed to provide EPA-OIG with copies of these items.

(b) (6), (b) (7)(C) was unfamiliar with the activities associated with the removal of water from the site. While there were discussions/questioning if there was a connection between water at Gold King and other mines, (b) (6), (b) (7) refused to speculate on this, or to the cause of the water release from Gold King Mine because these topics were not in (b) (6) area of expertise. However, (b) (6), (b) (7) opined that based on the conditions (b) (6) observed at Gold King Mine, a blow-out was inevitable.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Nothing further.

Exhibit 13



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

61 FORSYTH STREET, S.W., ROOM 12T20
ATLANTA, GA 30303

MEMORANDUM OF INTERVIEW

Interview Date:	August 21, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	(b) (6), (b) (7)(C) Silverton, Colorado
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7) (b) (6), (b) (7)(C) (C)

On August 21, 2015, (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) Environmental Restoration LLC (ER), regarding the August 5, 2015 release of approximately 3 million gallons of contaminated water from the Gold King Mine into the Animas River, via the Cement Creek tributary. Also present at this interview was (b) (6), (b) (7) EPA-OIG Program Evaluator and (b) (6), (b) (7)(C), legal counsel for ER. After proper identification was shown and being advised about the nature of the interview, (b) (6), (b) (7) provided the following information:

Biographical:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (7)

Background

(b) (6), (b) (7)(C)

(b) (7)

- (b) (6), (b) (7)(C)
- (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Activities Related to August 5, 2015 Water Release from Gold King Mine

(b) (6), (b) (7)(C)

Safety briefings were held each day before work started at either site.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)

(b) (7)(C)

The “original” plan called for the removal of water pooled behind the blockage at the mine’s adit and the possible opening of the mine adit. There was some concern because while it (quantity of water) could be estimated, the amount of water behind the blockage/collapse was unknown. Therefore, the excavation activities conducted at the Gold King Mine that date were an

(b) (6), (b) (7)(C)

[REDACTED]

(b) (7)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (5) DPP, (b) (5) ACP

(b) (6), (b) (7)(C)

Additional Information

(b) (6), (b) (7)(C)

(b) (7)

Agent's Note: (b) (6), (b) (7)(C), legal counsel for ER, agreed to collect photos of the site from ER employees and provide them to EPA-OIG.

(b) (6), (b) (7)(C) the ER Health and Safety Plane for the sites. In the event of an emergency, ER personnel were to meet in a specified area.

(b) (6), (b) (7)(C)

Nothing further.

Exhibit 14



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

75 HAWTHORNE STREET, 7TH FLOOR
SAN FRANCISCO, CA 94105

MEMORANDUM OF INTERVIEW

Interview Date:	August 26, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C)
Interview Location:	OIG Conference Room, (b) (6), (b) (7)(C)
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	None

On August 26, 2015, (b) (6), (b) (7)(C) [redacted]
[redacted] Office of Inspector General (OIG), Office of Investigations,
interviewed (b) (6), (b) (7)(C) [redacted] Colorado Division of Reclamation, Mining and Safety
(DRMS), Denver, Colorado, (b) (6), (b) (7)(C) [redacted]. The purpose of this interview was to obtain
information about the release of water from the Gold King Mine (GKM) site in Silverton,
Colorado. Prior to the interview, (b) (6), (b) (7)(C) [redacted] was advised it was voluntary and (b) (6), (b) (7)(C) [redacted] could terminate the
interview at any time. After law enforcement credentials were shown and the purpose of the
interview explained, (b) (6), (b) (7)(C) [redacted] provided the following information:

(b) (6), (b) (7)(C) [redacted]
[redacted]
[redacted]

(b) (7)(C) [redacted]
(b) (6), (b) (7)(C) [redacted]
[redacted]
(b) (7)(C) [redacted]

[redacted]
[redacted]
[redacted]
[redacted]

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

(b)

(b) (7)


(b) (7)

RESTRICTED INFORMATION

Page 2

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)



(b) (7)(C)



(b) (7))



(b) (7)

RESTRICTED INFORMATION

Page 3

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

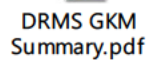
(b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

Attachment:

- ## 1. DRMS GKM Summary.



EPA Internal Review of August 5, 2015 Gold King Mine Blowout
available at

[https://www.epa.gov/sites/production/files/2015-08/documents/
new_epa_nmt_gold_king_internal_review_report_aug_24_2015
fnldated_redacted.pdf](https://www.epa.gov/sites/production/files/2015-08/documents/new_epa_nmt_gold_king_internal_review_report_aug_24_2015_fnldated_redacted.pdf)

Exhibit 15



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

61 FORSYTH STREET, S.W., ROOM 12T20
ATLANTA, GA 30303

MEMORANDUM OF INTERVIEW

Interview Date:	August 20, 2015
Case Name:	Gold King Mine Incident (Animas River)
Case Number:	OI-HQ-2015-CFR-0108
Interviewee:	(b) (6), (b) (7)(C) Colorado Division of Reclamation, Mining and Safety, Denver Colorado
Interview Location:	EPA Command Center Gladstone, Colorado
Interviewed By:	(b) (6), (b) (7)(C)
Witnesses:	(b) (6), (b) (7)(C)

On August 20, 2015, (b) (6), (b) (7)(C) Colorado Division of Reclamation, Mining and Safety (DRMS), Denver, CO regarding the August 5, 2015 release of approximately 3 million gallons of contaminated water from the Gold King Mine into the Animas River, via the Cement Creek tributary. Also present at this interview was (b) (6), (b) (7)(C). After proper identification was shown and being advised about the nature of the interview, (b) (6), (b) (7)(C) provided the following information:

Biographical:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

RESTRICTED INFORMATION

Page 1

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

(b) (6), (b) (7)(C)

Historical Information Regarding Water Discharge from Gold King Mine

The Gold King Mine has been in operation since the late 1800's. Water has discharged from the mine since that time.

In 1959/1960, the American Tunnel was completed. The tunnel passes approximately 500 feet underneath the Gold King Mine and connects to the Sunnyside Mine. Upon completion, water discharge from Gold King Mine virtually ceased. There is no direct connection between the American Tunnel and Gold King Mine.

In 1991, the Sunnyside mine was closed. In ensuing years, bulkheads were installed within the mine and tunnel to stop the discharge of water. The first American Tunnel bulkhead was installed in 1996. This restored the water's "historical natural flow" and water again began to discharge from the Gold King Mine.

Two points of water discharge at the Gold King Mine were identified: Level 7 adit west and Level 7 adit Barbara (BARBARA). The water flow from the Level 7 adit west was small/minimal and allowed to free flow. The water discharge from BARBARA was considerably more and flowed into Cement Creek.

In 2007, there was a "burp" or small blow-out at BARBARA which released a quantity of contaminated water into Cement Creek, and eventually the Animas River. DRMS directed the mine's owner ((b) (6), (b) (7)(C); San Juan Corporation) to make repairs and remediate the affected area. The owner was financially unable to perform as ordered. In response, the State of Colorado revoked the permit for Gold King Mine. The bond for the mine was forfeited.

The classification of a mine (e.g. abandoned, inactive, etc.) determined what state funds could be applied to activities at the location. DRMS actions placed Gold King Mine in a "hybrid" status; thereby, effecting what state funds were available for use at the location. The amount of funding dictated what actions could be taken.

DRMS utilized the forfeited bond (approximately \$40k) and some state funds to conduct the needed repairs/remediation at Gold King Mine.

DRMS preformed projects at Gold King Mine in 2008 and 2009. (b) (6), (b) (7)(C)
The DRMS projects resulted in the installation of two pipes into the BARBARA adit to control the drainage of water from the adit. A concrete sump was poured and the water was directed down the mountain by a half culvert. (b) (6), (b) (7)(C) agreed to furnish EPA-OIG with photos documenting the DRMS projects.

EPA Water Discharge Control Efforts at Red and Bonita Mine

(b) (6), (b) (7)(C)

The Red and Bonita Mine is located within the Cement Creek watershed, same as the Gold King Mine.

RESTRICTED INFORMATION

This report is the property of the Office of Investigations and is loaned to your agency; it and its contents may not be reproduced without written permission. The report is FOR OFFICIAL USE ONLY and its disclosure to unauthorized persons is prohibited. Public availability to be determined under 5 U.S.C. 552.

In 2010, it was decided to attempt to control the water discharging at the mine's adit. There was a collapse at the mine's portal so the quantity of water pooled behind the collapse/blockage was unknown. A hole was drilled into the adit, above and immediately behind the portal collapse. This procedure allowed the water level behind the collapse to be determined.

EPA Activities at Gold King Mine Prior to August 5, 2015

(b) (6), (b) (7)(C)

(C)

The investigation at Gold King Mine included the excavation of some loose material at the BARBARA adit. This excavation revealed an anomaly. Normally, the top of the mine dump was aligned with the floor of the adit. In the case of the Gold King Mine, the excavation revealed the mine dump was actually covering a portion of the adit. (b) (6), (b) (7)(C)

Based on these "unusual circumstances" as well as other factors, (b) (6) decided that additional protections would be installed while the planned activities would be postponed until 2015.

(b) (6), (b) (7)(C)

In February 2015, DRMS received a copy of EPA's draft written plan for activities at the Gold King Mine. The plan was prepared with input from Harrison-Western. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The final plan had

incorporated the suggestions of DRMS. Plans for these types of projects must be flexible and should be changed as situations dictate. All personnel at this meeting concurred that this was a “good plan.” (b) (6), (b) (7)(C)

[REDACTED]

DRMS was “comfortable” with EPA’s estimates of the size of the chamber (“plus/minus a few feet”) and the amount of water expected behind the blockage/collapse. No mine maps identifying the dimensions of the chamber were available/known. The EPA estimates were based on: publicly available information on the mine; information obtained from persons who had previously worked/been in the mine; information obtained from DRMS regarding their 2007-09 activities at Gold King Mine; monitoring/sampling results obtained from site; and observations from the 2014 EPA excavation activities at site.

The objective of EPA plan was similar to its previous objectives with the Red and Bonita Mine. The first step was to remove the water pooling behind the blockage/collapse. However, based on circumstances at Gold King Mine, EPA planned to excavate, instead of drilling, in order the place a drain pipe.

While the conditions surrounding the Gold King Mine were different from those of the Red and Bonita Mine, a similar drilling operation similar to the one previously performed at Red and Bonita Mine could have been performed to determine the water level behind the collapse at the Gold King Mine “with the right level of effort.” However, this procedure was “difficult” and presented “its own risks.”

The measurements obtained from the monitoring of the water emerging from the mine was a “good indication” and an acceptable method of determining “the level of water behind the blockage.”

(b) (6), (b) (7)(C)

[REDACTED]

Activities Precipitating the August 5, 2015 Release of Water from Gold King Mine


(b) (6), (b) (7)(C)

[REDACTED]

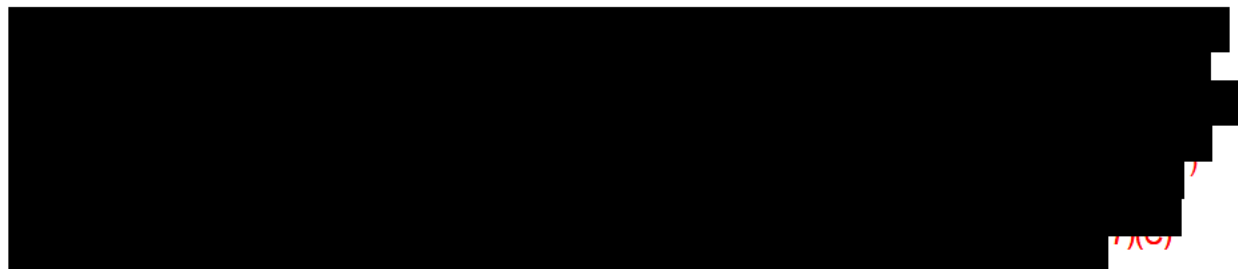

(b) (6), (b) (7)(C)

[REDACTED]

(b) (6), (b) (7)(C)

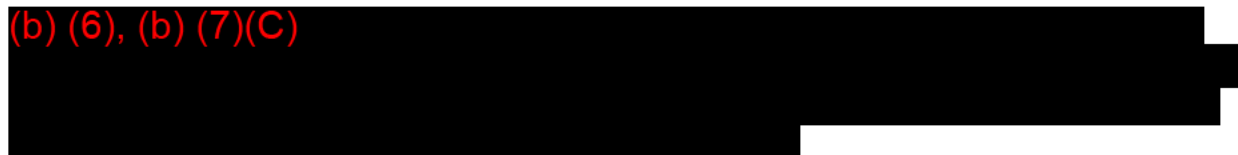


(b) (6), (b) (7)(C)



Response to Release of Water from Gold King Mine

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C) [Redacted]
(b) (7) [Redacted]

Additional Observations / Comments

(b) (6), (b) (7)(C) [Redacted]

[Redacted]

[Redacted]

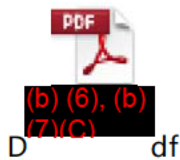
[Redacted]

[Redacted]

[Redacted]

Attachments:

1. Illustration created by (b) (6), (b) (7)(C) dated 08/20/2015.



(b) (6), (b) (7)(C), (b) (5)



Exhibit 16



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
1301 CONSTITUTION AVE., NW
WASHINGTON, DC 20004

CASE #: OI-HQ-2015-CFR-0108

CROSS REFERENCE #:

TITLE: GOLD KING MINE INCIDENT (ANIMAS RIVER)

PREPARED BY: (b) (6), (b) (7)(C)

MEMORANDUM OF ACTIVITY

On May 3, 2016, the Reporting Agent conducted a review of a rebuttal report (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

In addition to the (b) (6), (b) (7)(C) report, referencing the Gold King Mine (GKM) incident of August 5, 2015, the Reporting Agent also reviewed an email attachment from an Associated Press release, dated February 11, 2016, referring to an unspecified number of U.S. House of Representatives committee documents. The purpose for this review was to assess (b) (6), (b) (7)(C) rebuttal to a previously published Department of Interior, Bureau of Reclamation (BOR) report, dated October 2015 and titled "Technical Evaluation of the Gold King Mine Incident."

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This document review was completed.

Attachments:

1. (b) (6), (b) (7)(C) rebuttal report, dated (b) (6), (b) (7)(C).



(b) (6), (b) (7)
(b) (7)



Transmittal email of
rebuttal.pdf

2. Associated Press release, dated February 11, 2016.



Associated Press
GKM release.pdf

25 pages of rebuttal report withheld in full under Exemptions (b)(5), (b)(6) and (b)(7)(C)

Exhibit 17

Due to Exhibit 17 (Bureau of
Reclamation Report) being
protected, the report can be
located at
[https://www.usbr.gov/docs/g](https://www.usbr.gov/docs/goldkingminereport.pdf)
[oldkingminereport.pdf](https://www.usbr.gov/docs/goldkingminereport.pdf)